57 2

THE ARRAIGNMENT AND CONVICTION OF VSVRIE.

THAT IS,

The iniquitie, and vnlawfulnes of vsurie, displayed in sixe Sermons, preached at Saint Edmunds Burie in Suffolke, vpon Prouerb. 28. 8.

By MILES MOSSE, Minister of the worde, and Bacheler of Diuinitie.

Seene and allowed by authoritie.

The especiall contents of this booke, are declared in the page next before the treatise it selfe.

Reade all, or censure none.

BODLEIAN LIBRARY

Ambros. lib. de Tobia. Cap. 10.

Nihil interest inter Funus, & Fœnus:
Nihil inter mortem distat, & sortem:
Personat funebrem vlulatum, fœnoris vsura.

AT LONDON
Printed by the widdow Orwin, for Iohn Porter. 1595.

Martin Billingeley.

THE ARRAIGNMENT AND CONVICTION OF VSVRIE.

THAT IS,

The iniquitie, and vnlawfulnes of vsurie, displayed in sixe Sermons, preached at Saint Edmunds Burie in Suffolke, vpon Prouerb. 28. 8.

By MILES MOSSE, Minister of the worde, and Bacheler of Diuinitie.

Seene and allowed by authoritie.

The especiall contents of this booke, are declared in the page next before the treatise it selfe.

Reade all, or censure none.

Ambros. lib. de Tobia. Cap. 10

Nihil interest inter Fun is, & Fœnus:
Nihil inter mortem distat, & sortem:
Personat funebrem vlulatum, fœnoris vsura.

AT LONDON
Printed by the widdow Orwin, for Iohn Porter. 1595.

TO THE MOST REVEREND FATHER IN GOD, IOHN ARCHBISHOP OF CANTVRburie, Primate of all England, and Metropolitane, and one of the LL. of her Maiesties most Honorable priuie Counsell:

Miles Mosse *wisheth the increase of all the graces of God, necessarie to true godlines in this life, and to euerlasting saluation in the life to come.*

THe inscription and dedication of bookes, to men of note and regarde in their time, either for religion, or vertue, or learning, or authoritie: is well knowne to your *Grace*, (Right Honorable and most reuerend father,) for continuance to be very ancient, and for vse to be exceeding profitable. Auncient it is, as appeareth by the writings of the fathers. *Damascene* dedicateth one of his treatises to the [a] *Bishop of Maiume*, another to the [b] *Bishop of Laodicea*. *Arnobius* inscribeth his commentaries vpon the *Psalmes*,

[a] Tractat. de Logica.
[b] Introductio dignitatum elementaris.

Psalmes, [e] *Charissimis Patribus*, *Laurentio & Rustico Episcopis*: To his deare fathers *Laurentius* and *Rusticus* Bishops. [d] *Lactantius* his *Institutions*, vnto *Constantine* the Emperor. *Iustinus Martyr*, his treatise [e] *of the trueth of Christian Religion*, to *Marcus Pompeius*. *Saint Augustine*, some of his bookes [f] *ad Laurentium*, some [g] *ad Marcellinum*, some [h] *ad Consentium*, some [i] *ad Bonifacium*: some particularlie directed to one man, & some vnto another. Yea *S. Luke* himselfe, though hee wrote (as did also the other Euangelists) [k] by speciall inspiration: yet hee entituleth the *Actes of the Apostles*, [l] vnto one *Theophilus*, [m] some speciall familiar friend of his, or a man of speciall note for his faith & religion in the church, as most learned men haue obserued on that place. That he must needes be a man of great ignorance, and small reading, who wil iudge it to be the newfanglenes or vaineglorie of this age, for men to consecrate their labours, and dedicate their studies, to the honour and seruice of their superiors.

And as this custome is very ancient, so is it also exceeding profitable. For first, the sacred memorie of worthie men, is by the continuance of the bookes that are dedicated vnto them, preserued from forgetfulnes, and challenged from the ruine of time. Which time, if it growe to bee [illegible] *Olde and long continued*, [n] [illegible] (as he saith in *Sophocles*,) it will

e Arnob. Prolog. Com. in Psal.
d Lactant. instit. lib. 1. ca. 1.
e Iust. Mart. de verit. christ. relig. tom. 2.
f Enchirid. tom. 3.
g De spirit. & litera tom. 3.
h De mendacio. tom 4.
i Contra duas Epist. pelagianorum. tom. 7.
k 2. Tim. 3. 16.
l Act. 1. 1.
m Gualther. hom. 1. in Act. 1.
n Sophocles, Aiax.

as well ouer whelmed with darkenes, things which are now light some and glorious, as it will reueale and bring to light, things that yet lie hidden and vnknowne. The greatest men, for want of memorials haue in continuance of time, been buried in obliuion. Secondly, this cannot but cheare vp and encourage men of vertue and of godlines, to perseuer and to grow olde in goodnes, when they see that their persons are regarded of men that now liue, and their names are like (by the bookes which are now dedicated vnto them) to be registred, and recorded to the generations to come. For although vertue be a thing worthie to bee affected, and laboured after of and for it selfe, because it is one of the greatest goods things that fall into the nature of man, and there is not any substance which we possesse, *Either more honorable, or more durable then vertue.* Yet such is the corruption and wretchednes of our nature, that we are hardlie induced thereto, or vpholden therein, without casting some eye towards carnall respects, and seeking therein some outward benefite. *Quis enim virtutem amplectitur ipsam, Præmia si tollas?* The orator said well, *Neque solum laudis causa rectum sequi conuenit*, Noman should (& wise men will not) follow right and goodnes onely for praise and commendation. *Sed laudes etiam sequuntur, duplicatur recti appetendi voluntas.* But yet if

o Augustin. de lib. arbit. lib. 2. Cap. 18.

p Isocrates parainet. ad Demonicum.

q Iuuenal. lib. 4 Satyr. 10.

r Cicero Rhetor. lib. 3.

commendation and honor doe followe of well dooing, the desire and appetite of goodnes is doubled and increased. Thirdly, by the learning and authoritie of those to whome bookes are dedicated, the bookes themselues are protected from the causelesse censures of the ignorant, and the biting teeth of the Carper. *Hesiode* fayned that [i] *Momus* was begotten, or brought forth of the *night*, for that, (as I suppose) he walketh in darknes, & stingeth in silence as a serpent in the grasse. Now, as the brightnes of the sunne dispelleth the darkenes of the night: so the honor, yea the very name of a mightie man restraineth the malice of the Carper. *Maiestas vindex veritatis*: Authoritie wil support that trueth, which otherwise by the malice of men would be troden vnder feete. *Hecuba* tolde *Vlysses*, that his worthines and estimation (τ' ἀξίωμα) was such, and so great, that he was able to perswade whatsoeuer he would: yea [t] κἀν κακῶς λέγῃ, though he spake the things that were euil and vniust. How much more then shall the patronage, of a great and honorable man, giue countenance, and credit, and safe conduct to a treatise, the matter whereof is sound, and the publishing whereof is profitable.

i Hesiod. in Theogonia.

t Euripides traged. Hecuba.

These and some other respects haue caused me to resolue, to commend this my poore labour, and endeuour vnto the defense and protection of some worthie personage: yea though I knew right well, that [u] *The trueth is great and preuaileth*

u 3. Ezra. 4. 14.

of

of it selfe, and God the author of truth is all sufficientlie able to defend it. And among all others, to present it to your *Grace* and fauor, for these reasons and causes following.

First, the question of *vsurie*, being controuerted in these dayes among manie (and those verie learned) diuines: requireth and needeth an arbiter of much reading, experience, and moderation. *Oecolampadius* said, [x] *De vsuris iudicare non est omnium*: Euery man is not a fitte iudge in this cause of vsurie. And [y] if no man chuseth a young man for a iudge, or a guide: *Quia non constat eos esse prudentes*, because there is not sufficient euidence of their wisdome: then should I haue shewed my selfe a very young man, if I had chosen any that is yong, either in yeares, or learning, or experience, to be a determinor of this controuersie, or a protector of this cause.

x Oecolampad. Epist. 1. & lib. 1.

y Aristot. Topic. lib. 2.

Secondly, your *Grace* is reported to bee one, who neither lendeth, nor taketh vpon *vsurie*, which is not in this age euery such mans commendation. And therefore being free from the guiltines of this sinne, you may the more freelie giue sentence vpon the vngodlines thereof. [z] *Iudicet ille de alterius errore* (saith S. *Ambrose*) *qui non habet in se ipso quod condemnet: Iudicet, qui non agit eadem quæ in alio putauerit punienda.* Let him iudge of an other mans default, who hath not the same fault to condemne in himselfe: Let him iudge of another, who committeth not the same

z Ambros. super Beati immaculati. & habetur 3. quæst. 7. Iudicet.

same things which hee deemeth worthie the punishing in another.

Thirdly, your place and calling hath giuen you a speciall stroke in the maintenance of the lawes of the Church of *England*: by which lawes, and which Church, *vsurie* is simply and generally prohibited. And therefore you the fittest man to patronize those, whose writings doe condemne it. a Polyanth. tit. Lex. [illegible] saith *Menander*. *The Magistrate is the strength of the lawe*: And then shall the Canons of the Church concerning *vsurie* bee reuerenced and regarded, when by those that are *Church gouernors* they bee vrged and maintained.

If it shall please your *Grace* to take a view of this treatise, you shall find these two things obserued throughout the whole course of the same. The one, that in this question of *vsurie*, I haue not declined (as touching the generall conclusion) frō the receiued iudgement of the auncient Diuines: nor deliuered any thing cōtrary to the Canons of our Church. Secondly, that I haue not entred into anie by-controuersies not pertinent to this purpose. For I deemed it the part of a scholler, to hold him to his taske, (as the Prouerbe is,) and to pursue without vnnecessarie digressions, the purpose that hee hath in hand. What labour I haue taken, and what authors I haue turned ouer in studying of this argument my selfe only know, and it were in vaine to brag or to boast of them, especially to your

your *Grace*. What I haue attained vnto herein by my labour and reading, I leaue vnto your graue and reuerend cenſure. If it pleaſe you to accept this mine endeuour, I haue my full deſire: If to protect it, the benefite which the Church reapeth thereby (if happily it proue anie) ſhall be aſcribed to your gracious fauour. The almightie God continue and increaſe vpō you the riches of his grace, to the glorie of his name, to the benefite of his Church, and the publique wealth of this realme, through Ieſus Chriſt our Lord. *Bury S. Edmunds this firſt of Ianuarie.* 1595.

Your Graces moſt humble, alwaies at commandement in the Lord.

MILES MOSSE.

To the Reader.

To the Christian Reader.

IT is a sound position both of[a] the elder, and the[b] later Diuines, against the Stoicke Philosophers, and Iouinian heretikes; Peccata non esse paria: that all sinnes are not equall: but that there are some greater, some smaller, some lighter, some heanier offences. For, as all sinnes are not of the same nature: so all men sinne not in the same measure and degree. Among other degrees, and diuersitie of offences, some sinne of ignorance and know it not: and that is naturall weakenes. Others know that they sinne, and excuse it: and that is little better then presumption. Others cannot excuse their sinne, but rage and storme against those that reproue it: and that differeth not much from malice. Dauid sinned often, and knew it not, therefore he desireth to be[c] cleansed from his secret faults. Adam saw his sinne and excused it:[d] The woman gaue me, and I did eate. Ieroboam could not excuse his sinne, and yet he stretched out his hand to offer violence, to the Prophet that reproued his Idolatrie.

Now all these degrees, and differences of sinne, are in no one more pregnant or euident, then in this euill of Vsurie. For, some commit vsurie, not knowing it to be sinne: either because they haue not the word, or they vse not the word for the enlightning of their hearts. Those that be ignorant for want

a Augustin. contra mendacium ad Cōsent. cap. 15. Hieron. contra Iouin. lib 2.

b Tho. Aquin. 12ae. quæst. 73. art. 2. Bulling. Decad. 3. ser. 10.

c Psal. 19. 12.

d Gen. 3. 12.

e 1. King. 13. 4.

want of the word, are without excuſe: Which ſhall take place, and yet is their want that way, the iuſt puniſhment of ſinne. Thoſe that are ignorant for not vſing the word, are likewiſe to be reproued as thoſe whoſe ignorance ariſing from their owne negligence, is meere ſinne vnto them. f In vtriſque non eſt iuſta excuſatio, ſed iuſta condemnatio, ſayth Auguſtine: *Neither of them iuſtly to be excuſed: nay, either of both is iuſtly to bee condemned.* Others commit vſurie, and ſtand to excuſe it: alleadging for themſelues either the authoritie of men, which is little, or the example of others, which is leſſe. Or againe, either endeauouring to proue the thing good which is fearfully pretending that they can not otherwiſe liue, which is miſerable. To them that obiect other mens authoritie, I anſwer, as Lactantius did to the Gentiles, who grounded their religion vpon the authoritie of their anceſtors: g Id ſolum rectum eſt quod ratio præſcribit: *Not that which men ſay, but that which reaſon warranteth, is right and to be approued.* To them that alleadge examples, I anſwer with the ancient prouerbe, Viuitur præceptis non exemplis: *We muſt liue by precepts, and not by examples.* And with that of Moſes *in Exodus*, h Thou ſhalt not followe a multitude to doe euill. *To them which inſiſte vpon vſurie to be lawfull, I ſtand not here to make anſwer: for to that end ſerueth the treatiſe following. Only, I applie vnto them, that which* Cypriã *ſpake of ſome teachers of his time,* i Ambulantes in tenebris, habere ſe lucem exiſtimant: *Walking in darkneſs, they ſuppoſe they haue the light.* Aſſerentes noctem pro die, interitum pro ſalute: *They hold the night for day, and deſtruction for ſaluation.* Vt dum veriſimilia mentiuntur, veritatem ſubtilitate fruſtrentur: *That while they faine and deuiſe an opinion, ſomewhat like to bee true, they may annihilate the trueth it ſelfe by their ſubtilties. To them that pretend, they cannot otherwiſe liue, I replie, that either they muſt accuſe nature for an vniuſt ſtepmother, (which one of the Fathers* k *counted a poynt of great follie:) or they muſt accuſe their parents for want of frugall educa-*

f Auguſt. ad Sextum Rom. presbyt. epiſt. 105.

g Lactant. de Originе erro ris lib. 2. cap. 7.

h Exod. 23. 2.

i Cyprian. de Simplicitate prælatorum.

k Lactant. de Opificio Dei. cap. 3.

tion,

tion, which were vnduti fulnes in a child: Or rather themselues of sloth and idlenes, (which indeede is the vsurers sin:) Or lastly, they must say as those that excuse themselues by destinie, [l] Fatum meum me duxit: *It was my destinie, I was borne, or I was ordained to liue by* vsurie. *Others, yet there are, who knowing the practise to be euill, and themselues not being able to excuse it, they turne their nose vpon the very winde, like the weathercocke, and like mad men rage at those that would binde them for their benefite: and are like the swine of which Christ speaketh in the Gospell,* [m] *who when they haue pearles throwne before them, turne againe, and all to rent those that cast them.*

l August. in Psal. 91.

m Matth. 7. 6.

This third kind of Vsurers, *as they are the worst in nature, and in the highest degree of sinne: so are they those of whom I haue most cause to complaine. There is no* Vsurer *about vs (that I knowe) so simple and ignorant, but he can relate what is sayd against* vsurie *in the word. And on the other side, there is none so well learned about vs, (I dare auouch) that is able to iustifie and defend it by the word. And yet haue they so raged and stormed at me since the preaching of these sermons: that I had almost waxed proude with conceit that I had spoken much against them. For, as it is the nature of the greater and stronger beasts, to despise the barking whelpe, and then only to turne againe, when they feele themselues bitten and touched indeede: so I began to conceiue of these* Vsurers, *that because now they stormed, therefore they were stung: and because they fretted earnestly, therfore they were touched throughly. If that be true which is reported, (for I haue not vouchsafed to sift and examine the cause) some haue vowed the answere of my booke before it commeth forth: some are sayd to haue many a reason alreadie deuised against it in their braine: some haue threatned that I shall neuer borrowe: some haue slandered mee behinde my backe: some haue spoken foule things to my face: yea, I haue been bitten and backbitten, as one sayd of me publikelie of late, in mine owne pulpit. The best and most temperate men*

M. K.

of

of that trade, though before they seemed desirous to heare the cause debated: yet since that time, they haue dealt with me, as Laban dealt with Iacob, when he saw how God had
n Genes. 31.2. blessed him: n their countenance hath not been towards me, Sicut heri & nudiustertius. So dangerous a thing was it to charme a serpent, and to rouse the slumbring lion: and so
o Hierom. contra Iouin. lib 2 truely was it sayd of Hierome, o Amara est veritas, & qui eam prædicant replentur amaritudine: The trueth is bitter and vnsauerie vnto the corrupt tastes of men: and they that preach it, are filled with bitternes. Veritas odium parit.

Yea, whereas I thanke God, I may say without boasting, as did the Prophet,
p Iere. 15.10. p I haue neither lent nor taken vpon vsurie: (for I haue followed my calling, and not busied my self much with the affayres of the world, which Tremellius rightly noteth to bee the sense of that place.) yet haue there not wanted some, that haue charged me with both, and haue vnder that name censured me as one most vnfit to deale in this argument: because (as they say) I haue lent and taken vpon vsurie. Now, God bee mercifull vnto me in mine other offences: but had he no more in other, then they in this sinne to say against me: I might lift mine head full high, & carrie mine heart full merrie. The ioyning of issue with them in this poynt, I deferre, till they put in a further declaration. All that I will say for the present is this. If I were guiltie of taking vsurie, I protest I would not iustifie it: If I were guiltie of giuing vsurie, I would sweare, and vow it was against my will. But, say I were guiltie of the former, and had lent vpon
q Act. 17.30. vsurie when my iudgement was lesser, q The time of this ignorance God regarded not: And what I haue been in times passed, maketh nothing to them. Say I were guiltie of the latter, and had taken vpon vsurie, when my necessitie was
r Aristot. Ethic. lib. 5. cap. 11. greater: they know the case is ouerruled by the Philosopher,
t Tho. Aquin 22æ quæst. 78. art. 4. r Qui iniuriam patitur non peccat: He that suffereth the wrong, offendeth not. And the great Schoolema hath determined in this poynt, t Vti peccato alterius ad bonum,

licitum

licitum est: *It is a lawfull thing to vse another mans sinne, to good end and purpose. But the summe of that poynt is this: If I haue done both, or either of both, that helpeth not their cause: If I haue not done both, nor neither of both, the greater is their sinne.*

Two things I require of the good Christian reader. The one: that thou stumble not at the title of this treatise. So many hauing written of this argument, it was not the easiest thing to finde a name whereby to distinguish it from other mens labours. All that I haue aimed at herein is, that nomen might be rei notamen, *(as* t *S.* Augustine *speaketh) that is, that the title of the booke might deliuer the substãce and matter therein contained. Other quilitie or new deuise I haue affected none.*

t August. de Genesi ad literam cap. 6. tom. 3.

The other is this: that thou hold it not strange to see, that after The Death of Vsurie, *published the last yeare by one man, thou hast now the yeare following his* Arraignment *and* Conuiction *by another. For first, many times it falleth out, that malefactors are executed before their examination,* Arraignment *and* Conuiction *bee published to the world. Secondly,* The death of Vsurie *came foorth from* Cambridge, *where I hope no lesse but it is dead indeede.* Schollers *haue not so great store of money that they can, nor so little store of learning that they will be practisers of* Vsurie.

—— Ingenuas didicisse fideliter artes
Emollit mores.

But this Arraignment *and* Conuiction of Vsurie, *commeth forth from* London: *where though it hath in former time been pleaded against by* D. Wilson, *concluded against by* M. Cæsar, *and now of later times reproued by* M. Turnbull, *and examined by* M. Smith: *yet is it not hetherto thorowly conuicted in the consciences of the people, much lesse put to death and executed as it should. Thirdly, wee see that* Iudges *of life and death, doe not all hold their* Sessions *or* Assises *at one and the same time. But when some haue executed*

ented fellows in one shire: some begin their arraigument in another. And therefore what shall let me to follow their example, and after the Assises *ended, and* vsurie *executed at* Cambridge, *to proceede on to* The Arraignment *and* Conuiction *thereof, in the citie of* London.

This I speake not, as if I could speake nothing els in this case, but as sparing and pitying the Author of that treatise, who hath ploughed with my heifer, and whose bookes haue been published vnder my name, to my great preiudice and discredit. But I remember what Salomon *sayth:* u A foole powreth out all his minde: but a wiseman keepeth it till afterward. *All therefore that I will adde is this, If this booke benefite thee, thanke God that gaue the meanes. If it offend thee, yet know that I meut well, and aimed at thy good, and haue written without gall vnto any mans person. And so I bid thee farewell in Christ. This 6. of Februarie 1594.*

u Pro.29.11.

Thine in the Lord,

Miles Mosse.

The names of the ſpeciall Authors vſed in this treatiſe: beſides the bookes of the holie and Canonicall Scriptures.

A.

Ælianus.
Alciatus.
Alexander de Ales.
Alexand. ab Alexand.
Alphonſus.
Ambroſius.
Anthoninus.
Appianus.
Aquileius.
T. Aquinas.
Archidiaconus.
Aretius.
Ariſtophanes.
Ariſtoteles.
Arnobius.
Auguſtinus.

B.

Babington.
Baldus.
Balſamon.
Barnardus.
Barthol. Cæpol.
Baſilius.
Baſtinguius.
Bertrandus.
Beza.
G. Biel.
Bodinus.
Boemus Aubanus.
Brentius.
Ioh. Bromyard.
Bucerus.
Bullingerus.

C.

Cælius Secundus.
Caietanus.
Caluinus.
Canones Apoſt.
Canones London.
Centuriæ.
Chemnitius.
Chryſoſtomus.
Chytreus.
Cicero.
Clemens Alexandrinus.
Codex.
Concilium Agathenſe.
Concilium Arelatenſe.
Concilij Carthaginēſe.
Concilij Elebertinum.
Concilium Lateranēſe.
Concilium Lugdunēſe.
Concilium Nicenum.
M. Cope.
Cyprianus.

D.

Damaſcenus.
Danæus.
Didacus Couar.
Digeſta.

E.
Eraſmus Roterod.
H. Eobanus.
Euripides.
F.
P. Fagius.
B. Fumus.
G.
Galatinus.
Galenus.
Glanuile.
Goffredus.
Gratianus.
Gregorius Naziãzenus.
Gregorius Niſſenus.
Gregorius Theologus.
Gualtherus.
H.
Hemingius.
Herbrandus.
Heſiodus.
Hieronimus.
Homerus.
Hoſtienſis.
Hugo Cardinalis.
L. Humfredus.
I.
B. Iuel.
Ioſephus.
Iſocrates.
Iuuenalis.
Iuſtinianus.
Iuſtinus Martyr.
K.
Io. Knewſtub.
L.
Lactantius.
Io. Langius.
Lauaterus.
Leo.
Lipſius.
Ludolphus.
Lutherus.
Lycoſthenes.
Lyra.
M.
Marloratus.
Martinus ab Azpilc.
P. Martyr.
Mattheus Pariſienſis.
Melacthon.
Menander.
Mercerus.
Molanus.
Molineus.
Monumenta patrũm.
Muſculus.
N.
Natalis Comes.
Io. Northbroke.
O.
Oecolampadius.
Origines.
P.
Pagninus.
Panormitanus.
Pellicanus.
F. Petrarcha.
Petrus de Ancherano.
Philo.
Plato.
Plautus.
Plinius.
Plutarchus.

Po-

Polyanthea.
Pomeranus.
Postilla maior.

R.

Rainerus.
Raimundus.
Ruffinus.

S.

Sarcerius.
Scotus.
Selneccerus.
R. Selomo.
Sextus decretalium.
Sophocles.
Sozomenus.
Statuta Regni Angliæ.
Ph. Stubs.
Suetonius.
Suidas.
Sūma Angel. de Clauaſ.
Suruey of pretēded diſcipline.
Synodus Hildeſheimēſis.

T.

C. Tacitus.
Theophilactus.
Tremellius.

V.

Vatablus.
Viguerius.
Virgilius.
Vrſinus.

W.

B. Weſthemerus.
Wigandus.
D. Wilſon.
Wittebergenſes theſes.
Wolfius.

X.

Xiſtus Betuleius.

Z.

Zanchius.
Zegedinus.
Zuingerus.
Zuinglius.

To The Reader.

I Deſire thee good reader not to aſcribe this my recitall of authors to pride or affectation of vaine glorie. I am occaſioned thereunto by one, who taking the names of my mouth, and not vnderſtanding them, hath publiſhed them in print farre otherwiſe then they were delinered by me, or they are in themſelues. Farewell.

In this treatiſe, are handled theſe foure principall poyntes.

1. Vſurie *is deſcribed, what it is, and what are the kindes and branches thereof.* Pag. 10.

2. *It is proued to be manifeſtlie forbidden by the worde of God: and ſundrie reaſons are alledged, why it is iuſtlie and worthily condemned.* Pag. 75.

3. *The obiections are anſwered, which are vſuallie made out of the Scriptures, for the defenſe of ſome kinde of* vſurie, *and towards ſome kinde of perſons.* Pag. 112.

4. *Diuerſe cauſes are ſhewed why* vſurie *ſhoulde not bee practiſed of a chriſtian (eſpeciallie not of an Engliſh man) no not though it could be proued, that it is not ſimplie forbidden in the Scriptures.* Pag. 145.

The Arraignment and Conuiction of Vsurie.

The Text.

Prouerb. 28. 8.

He that increaseth his riches by vsurie and interest, gathereth them for him that will be mercifull to the poore.

The first Sermon: the speciall contents whereof are these.

1. *The interpreting and unfolding of the text.*
2. *The necessitie and occasion of handling this argument.*
3. *The name derivation, kinds and branches of Vsurie.*
4. *The definition of open and actuall Vsurie.*

THere be two things very requisite to a preacher of the word: the one that the Scripture which he handleth be soundly interpreted: the other that the doctrine which he deliuereth from it, be directly and necessarily collected. The neglect of the former is the occasiõ of errors, and to want the latter is to build without foundation. And therefore before I proceede to the handling of the matter and argument contained in

Vsurie and interest differ.

this Scripture, some things are of necessitie to be obserued concerning the sense and interpretation of the words.

First this is not so fitly translated, by vsurie and interest: for neither is vsurie and interest all one (as afterwards shall appeare) neither is interest condemned by the word of God. And besides that, this reading, by vsurie and interest, agreeth not either with the originall, or with any of the interpretors. For the Hebrew hath *Beneshech vetarbith*: and the Greeke hath μετὰ τόκου καὶ πλεονασμοῦ: Tremellius, Pagnine, and other of the Latines translate it *Vsura & fœnore*. Now neither *Tarbith* in the Hebrew, nor πλεονασμὸς in the Greeke, nor *Fœnus* in the Latine, can properly be interpreted, Interest in the English: But rather *Superabundantia*, or *Incrementũ*, or *Augmẽtum*, that is, Superabundance, or Increase, as Vatablus hath well obserued on this place. And yet is this defect fauourable to be cẽsured, yea easily to be pardoned in our English translators: partly in regard of the want of our English tongue, whose penurie affoordeth not alwayes two seuerall words to expresse one and the same thing: partly because the olde translation readeth it, *Vsura & fœnore liberali*. Now *Fœnus liberale*, is often giuen (at the least it may be giuen) in consideration of Interest: and partly also because the vse and custome of speaking hath confounded the sense of these two words in our vsuall language. We say commonly, he taketh vpon Interest, he payeth Interest, he lendeth vpon Interest: when our meaning and intendement is to say, he taketh vpon vsurie, he payeth vsurie, he lendeth for vsurie. And therefore the words being confounded in our common vse of speech, no meruaile though they be coupled and vnited together of the interpretors in this place.

Secondly, as touching the meaning of this Scripture

ture, we are to knowe that when Salomon saith here, the vsurer gathereth his riches *for him that will bee mercifull to the poore*, this is not spoken according to the minde and intendment of the vsurer, as if this were his desire or purpose in gathering of his wealth, that hee might haue whereof to be liberall and to giue almes vnto the needie. For first, the couetous man doth nothing well, but when he dyeth, saith the auncient Prouerbe. Secondly, vsurie is a sinne which shutteth vp compassion, as after shall appeare. And thirdly, where shall you finde men lesse pittifull then are vsurers to the poore: But this is spoken of Salomon in respect of the prouidence of God, which oftentimes maketh good vse of riches euill gotten: and so disposeth of the issue of things, as that the wealth which the owner hoordeth vp by euill meanes (namelie by vsurie) hee draweth forth to good purpose, namely to the benefite of the poore.

But now, how and by what meanes God conuerteth the vsurers wealth to the relieuing of the needie, that is the doubte and question which ariseth to bee resolued in this place. One of the Rabbins referreth it, *ad magistratum & fiscum*, to the confiscation of the vsurers goods vnto the Magistrate: for thereunto wee see that the riches and wealth of great men are many times deuolued. God often suffereth men which by euill meanes haue gathered their riches, to fall into the danger of politique penall lawes and so to forfeite their goods to the crowne: whereof it commeth (or it may come) to passe, that of those goods so gathered and so forfeited by iniquitie, the poore may be relieued, high wayes may bee repaired, publique charges may bee defraied, the burden of the Church and of the common weale may be eased to the people. And so, *He that increaseth his riches by vsurie and interest, gathereth them for him*

a *Rab. Sel. ex Tanhuma, referente Mercero, in Psa.* 28 8.

How the Vsurer gathereth for the poore.

him that will be mercifull to the poore. [b] Others referre this vnto the gouernement and sentence of the Magistrate: as if Salomon would speake to this effect and purpose. An vsurer shall by his riches euill gathered together, thus helpe and relieue the poore. The good and godlie magistrate seeing him by so euill and vngodlie meanes rake wealth together into his hands, will enact such lawes, and take such order as shall defeate him of his wealth, and will more profitablie, and more righteouslie imploye it: namely (among other particulars) to the relieuing of the poore. [c] Others referre this speeth vnto the vsurers heyre, or to him to whom the vsurer leaueth and bequeath his goods. Hee shall leaue them to a liberall man that will bee mercifull vnto the poore. Now though I condemne not this sence, yet I doe not so much approue it, partly because an vsurer will hardly be induced to bequeath his goods to him who hee feareth will mercifullie and liberallie imploy them: and partlie because that though the father that putteth to vsurie may sometimes haue a kinde and a mercifull sonne as appeareth by the [d] Prophet: yet to beholde this is almost as rare a thing as it is to see a blacke Swan floating on the waters. For commonly such egge such chickin, such syer such childe: the father an vsurer, the sonne vnmercifull. And therefore I rather follow those [e] who not descending into any particular meanes (because they are infinite in the hand of God) doe generally applie this sentence vnto his holy prouidence. As if hee had saide: God hating the vsurer and condemning his course, doth one way or other defeate him and his of their hope and expectation, and the goods which he gathereth by oppressing of the poore, those hee conueyeth to another which of a mercifull minde will be liberall to the poore. So that this sentence of Salomon is almost all one with that which

b *F. Vatablus annot. in Pro. 28.8.*

c *L. Lauater comment. in Pro. 28.8.*

d *Ezech. 18.14 17.*

e *Con. Pellican. comment. in Prou. 28.8.*

How the Vsurer gathereth for the poore.

which else where he hath in this booke of the Prouerbs. f *The riches of the sinner is laide up for the iust.* And with that which Zophar speaketh in the booke of Iob: g *Hee hath deuoured substance, and he shall vomite it: for God shall draue it out of his bellie.* And with that which Luther speaketh in his treatise of Vsurie: h *Nec vnquam opes vsuris partæ, sunt durabiles & perpetuæ,* Riches gotten by vsurie are neuer permanent or durable. For one way or other, sooner or later, the Lorde by his prouidence will defeate the vsurer of them: and conuey them into the hands of those, which of charitie will imploy them to the benefite of the poore. That whereas the vsurer careth not who wareth poore so he may grow rich, nay taketh the wayth deuoute the poore, nay is themeanes to make the rich poore: hee himselfe and his substance shall (farre beyond his meaning and expectation) bee made a meanes to ease, and helpe, and relieue the poore. As here Salomon saith: *He that increaseth &c.*

So that the drift of the holy Ghost in this Scripture is to diffuade from the practising of vsurie: and that he doth by an argument drawne from the miserable effect which shall betide such riches so gathered in the ende. Namely, that whereas men gather riches with a put pose and desire that they may abide to themselues, and to their posteritie: yea and whereas, commonly and ordinarilie men by the wealth, that they lawfullie procure, doe maintaine themselues, relieue others, and prouide for their children in time to come: it shall by the hand of GOD fall out farre otherwise with the vsurer, his wealth shall bee taken from him, yea it may be from all that are his, and cast as it were into the lappe of one that will be mercifull to the poore.

This scripture therefore giueth (as we see) direct occasion to intreate of vsurie: then which there are not many arguments more necessarie or profitable to be

f *Prou.* 13.22.

g *Iob.* 20.15.

h *M. Luther. lib. de taxanda Vsura tom.* 7.

Vsurie common. Vsurie defended.

handled in these dayes. For first, lending vpon vsurie is growne so common and vsuall among men, as that free lending to the needie is vtterly ouerthrowne. [i] *Eo res abijt* (saith Bucer) *vt impudens habeatur qui mutuũ petat citra fœnoris oblationem:* The world is growne to that passe, that he is counted a shameles man which maketh request to borrow without offering of vsurie. Secondly, men are growne so cunning and expert to doe euil, that because they know vsurie is forbidden by the lawes both of God and men, [k] *Nolunt facere contra legem, sed faciunt fraudem legi* (sayth Gratian:) They will not breake the law for feare of danger: but they will deceiue the law without feare of God. And to defeate the lawe, to bleare the eyes of the world, and to auoyde danger [l] they haue deuised more sorts of vsurie then there are trickes at cardes, as one sayth well writing of this argument. Thirdly, men are not only growne to this passe, that they colour and cloake this sinne with a pretence of righteousnes: but some haue so farre forgotten themselues, as that they runne on openly to defend it. [m] *Nostro tempore* (sayth Lauater) *non desunt homines à quibus ebrietas, scortatio, vsura, & alia scelera impudentissimè defenduntur:* Our age wanteth not men of whom drunkennes, whoredome, vsurie, & other heinous crimes are most impudently defended. Defended: nay: [n] *Prædicatur plenis buccis summam esse virtutem, & opus præclarum* (sayth Luther:) Vsurie is commended with full mouth to be an excellent vertue, a notable worke: a most reasonable gaine: a trade without which no common weale can stand or indure. Do deepely haue some men surfetted with feeding vpon the poysoned gaine of vsurie. Now when as men are growne to this height and excesse of iniquitie, that they will not lend but vpon vsurie, they will couer and cloake it with pretence of iust dealing, they will defend it, nay they will commend

i *M. Bucer cõment. in Psal. 15.*

k *Gratian. decret. part. 2. caus. 14. quæst. 3*

l *Master Smith Serm. 1. vpon vsurie, fol. 12.*

m *Lauat. comment. in Ezec. 2. Homil. 5.*

n *Luther de tax vsur. tom. 7*

Why this argument is now handled.

mend it to the worlde: high time it is that the Lordes men of warre take into their hands n *the sword of the spirit which is the word of God*, if not to cut the throate of this euill (for that seemeth to some to be impossible) yet to hacke it and maime it in the members, and to make it hang the head: least it be a reproach vnto vs in the generations to come, that so grosse and palpable a sin hath passed vncomptrolled.

n Ephes. 6. 17.

If any man demaund a reason why after so many that haue laboured in this argument, and among so many brethren in this countrey more able to deale in such a cause then my selfe: I the most vnworthie and insufficient of a great number haue presumed to set foote into this fraye, and to wage battaile with so many and so mightie aduersaries: then I doe desire with patience and charitie to heare this Apologie in mine owne behalfe. First, I haue been challenged more then once for the doctrine which sometimes in preaching I haue been supposed to deliuer concerning vsurie. As that I haue called it Theft and Robberie: which notwithstanding I haue not done: but sometimes haue shewed that it is forbidden vnder this commandement o *Thou shalt not steale*: sometimes I haue alleadged the iudgement of q B. Iewel, who not only calleth it Theft, but maketh it worse then Theft by many degrees. And had I plainly called it Theft, I might haue had the authoritie of Ambrose, of Augustine, of Hierome, of Bernhard, of diuers godly and learned writers to haue supported the trueth of that accusation. Secondly, I haue been challenged, that sometimes in preaching I haue coupled and recited vsurie with the most grieuous offences: as namely with Adulterie, Drunkennes, Periurie, Oppression, Extortion, and such like. Now this I haue done I confesse: but I haue not done it of priuate malice to any Vsurers person, nor without the pre-

o Exod. 20. 15.

q Io. Iuel Ser. in 1. Thess. 4. 6.

sident

Vsurers coupled with Adulterers, theeues, &c.

sident and example of many notable men both holie and prophane. [r] Tullie reckoneth Vsurers with Toll-takers and Customers, a kinde of men in those dayes of most base accompt and filthie conuersation, as may be gathered euen out of the holie scriptures. [s] Aristotle sayth, that Vsurers and Bawdes may well goe together: for they gaine by filthie meanes all that they get. [t] Saint Augustine coupleth them with Conetous men and Theeues. [u] Musculus ioyneth Vsurie with Deceit and Periurie: [x] Lauater reciteth it with Drunkennes and Adulterie. So common a thing hath it alwayes been among learned men to fetter Vsurers with the vilest offenders, as those that deserued most shamefull disgrace. Thirdly, I haue been challenged, that in preaching against Vsurie, I haue alleadged nor could alleadge nothing against it, but the 15 Psalme. A challenge most false and vntrue. For in Catechising I haue stood vpon Exod. 22. Leuit. 25. Deut. 23. and some other places to that purpose. And if I could alleadge no more then the 15 Psalme, yet were that alone sufficient to stoppe the mouthes of all the Vsurers in the world: seeing that [y] *The whole scripture is giuen by inspiration of God*, and [z] *no prophecie in the scripture is of any priuate motion*. But now, what I am able to alleadge more against vsurie then the 15. Psalme, shall by Gods grace appeare in this treatise following. Last of all, besides that I haue been thus sundrie waies challenged (and so iustly prouoked) to deale more largely and thoroughly in the matter: this also is to be added as not the least spurre to pricke me forward thereunto: namely, that I haue been called forth and required to this busines, not onely of many of the common sort of men (which notwithstanding were not to be neglected) but also most of the Brethren about me, and some euen of the best gifts and account, haue exhorted me to begin,

r *Tulli. de offic. lib.* 1.

s *D Wilson fol.* 147.

t *August. de baptis. contra Donatist. lib.* 4 *cap.* 2.

u *W. Musculus com. in Ioh.* 4. 12.

x *Lauater in Ezech.* 2. *hom.* 5

y 2. *Tim.* 3. 16.

z 2. *Pet.* 2. 20.

Doctors, &c. why alleadged in this treatise.

begin, and encouraged me to continue this argument and treatise of vsurie.

Three things I would require of this Auditorie, during the time of this treatise and the handling of this controuersie. First, that you expect not from me much feruencie of spirit or vehemencie of speech. For I doe willingly abstaine from all apparance of heate or choller coceiued against any particular man practising this trade of vsurie. And besides that, feruencie and vehemencie of speech doe belong more naturallie to admonition, reprehension, and exhortation: whereas I must now bee wholly taken vp in doctrine, and reasons, and allegations. Secondly, my petition is, that I may without offence make recitall of Doctors, of Councels, of Ciuilians, of Canonists, in a word, of writers of all sorts, of all times, of all religions. A thing which I am not wont (you knowe) much to affect in my vsuall ministerie: yet must I now of necessitie vse some libertie in that paine, not onely because the matter is disputable betweene the greatest men of learning on both opinions: but also because the question is greater concerning both the scriptures alleadged, and the reasons vsed in this case, then I may presume to define or determine by mine owne authoritie. You shall therefore rather heare what their iudgements and arguments are whose opinion I fauour: then what my selfe can say, or might say, or dare say, in so difficult a question. Thirdly, my desire is, that you which are now present, and haue begun with patience to attend vpon this business, will vouchsafe also your presence at other times when this argument shal be handled, and continue hearers euen vnto the end. For wise men know that all cannot be deliuered at once: especially in so large a field, wherin so many haue runne their race at length with much

Vsurie is properly the vse of a thing.

varietie of stile and plentie of invention. And besides, that which is wanting in one sermon may be supplied in another: that which is spoken more darkly and slenderly at one time, may be unfolded more clearely and prosecuted more fully at another. Therefore untill you have heard all, I desire that you suspend your iudgement concerning all: yea and when in the end any slippe shall appeare, attribute it not to wilfulnes, but to ignorance, not to malice, but to ouersight. For I say as he of old:

Errare possum, Hæreticus esse nolo.

The first principall poynt, declaring what the word vsurie signifieth: how many waies it is taken: what it importeth in this argument: how many kindes and branches there are thereof. Lastly, vsurie is described, and the parts of the description are examined and vnfolded.

The name of vsurie is among diuers writers vsed in diuers significations. Naturally and properly, and as one sayth: [a] *Prima sui significatione*, In the originall signification, It importeth the vse or occupying, or employing of any thing. As Erasmus sayd well, [b] *Vsura nobis ab vtendo dicitur*: Vsurie is named among vs of vsing, or vsage. And Molanus sayth, [c] *Vsura ab vtendo idem est quod vsus*: Vsurie commeth of vsing and is the same that vse is, or vsage. And so it appeareth to signifie properly, not onely by the Etymologie and derivation of the word, *Vsura quasi vsus rei*, Vsurie as it were the vse of a thing: but also by the taking of it in diuerse approued writers. Plautus sayth, [d] *Alcumenam vxorem cepit vsurariam*: He tooke Alcumena to vse as his wife. And againe, [e] *Alcumenæ vsuram corporis cepi*: I had the vse of Alcumenaes bodie. Euery where we shal

reade

a *Martin. Ab Azpilcueta enchirid. cap. 17. num. 206.*
b *Erasmus Eccleſiaſt. ſiue de rat. concil. lib. 2 tom. 5.*
c *Io. Molanus compēd. Theol. practica, tract. 2. cap. 26. concil. 1. ſect. 1.*
d *Plaut. comœd. Amphitruo in Prol.*
e *Plaut. Amphit. act. 5. Scena. 2.*

Vsurie: the vse of a thing: not generally vnlawfull.

reade in Tullie, Quintilian, and other approued Latinists, f *Vsura horæ*, the vse of an houres space: *Vsura lucis*, the vse of the light: *Vsura temporis*, the vse of the time: *Frui vsura*, to enioy the vse of a thing: and many such phrases to like purpose. This also may appeare more plainly by the distinction which the Latines doe make betweene *vsurius* and *vsurarius*: h *Vsurius* they call him which the Græcians name τοκογλύφον. The man that taketh, receiueth, or enioyeth the vse of a thing. *Vsurarius* they call him which the Græcians name δανειστὴν. The man from whom the vse or occupying of a thing is taken and receiued. So that in the native and proper signification of the word, vsurie is the vse of any thing: and an vsurer is any man from whom or by whō the vse of any thing is had and enioyed. Now this kinde of vsurie and vsurers no man that hath his right wits and senses, will once dare to challenge or condemne generally as vnlawfull. For the end and perfection of things is their vse: the benefite and commoditie of things consisteth in their vse: yea and men doe therefore liue and dwell together, to the ende that by the mutual vse of the things which they severally enioy, each one might be more commodious and beneficiall to another. And therefore this being so, that speech of Bullinger may well be receiued in this sense: i *Vsura vocabulum inhonestum non est: Abusus reddidit inhonestum*: The name of vsurie is not dishonest of it selfe, or in the owne nature: the abuse of vsurie or vsage is that which hath made it dishonest, and of so bad account among men. For vsurie is properly the vse of a thing: which is of necessitie common to al men in the world. No man can liue without the vse of many things, and consequently not without this kind of vsurie.

But now the name of vsurie is translated by a Trope from his native signification, and is commonly taken meto-

f *Zuinglius lib. 1. epist. 22.*
g *Cicero. orat. pro Caio Rabirio.*
L. Humfred. de vita Iuel. pag. 135.
h *Callopin. tit. Vsura.*
i *H. Bullinger. Decad. 3. ser. 1.*

metonymice, causa pro effectu: the cause for the effect: vsurie for the gaine or increase arising from the vse of a thing. And of vsurie taken in that sense I finde diuers sorts mentioned among learned writers.

1. The first I may call *Fœnus naturale*, naturall vsurie. And that is a kind of vsurie [k] *Quæ negotiantur homines cum ipsa terra matre*: In which or by which (saith Aretius) men traffique with their common mother the earth: namely, in the trade of husbandrie and tilling of the ground. The reason of this Metaphore is, because as the vsurer by putting forth a summe of money or goods, into the hands of the borrower, doth increase and augment it, and receiueth againe his owne with aduantage: so the husbandman casting forth his seede into the bowels of the earth, [l] *Terra nunquam fœnera reddit quod accepit*, It neuer returneth that which it receiued without vsurie, or increase. Now this kinde of naturall vsurie, which is nothing else but the tilling and husbanding of the earth vnto gaine and increase, no wise man did euer condemne: nay, no man can iustly condemne by the word of God. For it is [m] the ordinance of God himselfe: it is the ancientest trade, [n] first practised in the beginning of the world: it is the trade [o] *Patribus sanctis olim in vsu*, which the holie fathers of old time followed. Yea, howsoeuer the husbandman is now abased and contemned, yet husbandrie in times passed was [p] *Labor Romanis Nobilibus gloriosus*: A trade in which the Noblemen and Senatours of Rome imployed themselues without discredite; yea with glorie and renowne. And therefore howsoeuer the Manichees (blasphemous heretiques y^t they were) said, [q] It was better to be an vsurer then a husbandman by profession: because (forsooth) the vsurer doth not pull vp or teare in peeces the members of God which are the trees, the hearbes, the apples, the fruites of the earth, as

(say

k *B. Aretius. prob. part. 1. loc. 50.*

l *Cicer. lib. de Senect.*

m *Gen. 3. 23.*

n *Gen. 4. 2.*

o *Pellican. com. in Pro. 12. 11.*

p *Ibidem.*

q *August. in Psal. 140.*

Spirituall Vsurie: Giuing of almes.

(say they) the husbandman doth: yet it is certaine that as the reason is vngodly, so their assertion is false. For the husbandman as concerning his trade, liueth [r] *Innocenter & honestè:* An honest and harmelesse life. Yea husbandrie is [s] *Omnium artium innocentissima:* (saith S. Augustine) The most innocent or harmelesse of all the Artes, Trades, Sciences, Craftes, misteries vsed and practised among men. This Naturall vsurie therefore which consisteth in gaining and increasing by tilling, and compassing, and sowing of the earth, and lastly, in reaping of the fruites which are yéelded from the same: must passe by vs not so much as once snebbed or controuled, much lesse must it bée condemned from this sentence of Salomon, or any other part of the word of God.

r *August. de oper. monachorum cap. 13.*

s *August de Hæres cap 46.*

2. There is an other kinde of vsurie which may not vnfitly be called *Fœnus Spirituale*, Spirituall vsurie. And of that there are two sortes. The first is giuing of almes, munificence and liberalitie towards the poore and néedie: of which kind the ancient writers suppose that of Salomon to be spoken: [t] *Fœneratur Domino qui miseretur pauperis:* He lendeth (as it were) to vsurie to the Lord that is mercifull to the poore. For so the olde translation readeth it from the Greeke: [illegible]. And the reason thereof is this: [u] *Quemadmodum qui homini mutuum dat, expectat vt sibi mutuum reddatur: Sic certissimè expectet quod quis erogat in pauperem, sibi à Domino etiam cum amplissimo fœnore reddendum.* Euen as hee which lendeth, looketh iustly to receiue his owne againe: so let him that is mercifull to the poore most assuredly expect that the thinges which hee layeth out shall be rendered againe of God with a most liberall increase, as it were with a thréesolde vsurie. Now [x] *Vide vsuræ raram naturam & admirabilem* (saith Chrysostome speaking of that place of Salomon, and of this kind of vsury)

t *Pro.* 19 17.

u *Io. Mercerus. com. in Pro.* 19. 17.

x *Io. Chrysost. hom.* 3. *in Gen.* 1.

: Spirituall vſurie : giuing of almes.

Beholde the rare and wonderfull nature or operation of this vſurie: that where other vſurie is condemned of God, this he promiſeth to recompence with abundant increaſe. This kind of vſurie is y good and praiſe worthie: For God himſelfe hath commaunded it, z *Giue to him that asketh*: and againe, a *Thou ſhalt giue him, and let not thy heart greeue to giue him.* Whereof Saint Auguſtine ſayd well, b *Deus noſter qui te prohibet eſſe fœneratorem, iubet te eſſe fœneratorem: & dicitur tibi, fœnera Deo.* God (ſayth he) which forbiddeth thee in other caſes to be an vſurer, in this caſe, and in this ſence commaundeth thee to bee an vſurer: and it is ſayd vnto thee, Lend vpon vſurie vnto God. And as this vſurie is commendable in it ſelfe, and commanded of God: ſo is it alſo verie profitable and commodious to him that vſeth it. For c *The Lord* (ſayth the ſcripture) *will recompence him, that which he hath giuen.* And whereas d *Illa acquirunt gehennam, iſta vſura regnum*: (ſayth Chryſoſtome,) The common vſuries purchaſe hell vnto their maſters, but this kinde of vſurie obtaineth a kingdome, and glory, and euerlaſting ſaluation. This kind therefore of putting forth to vſurie and increaſe, namely to be liberall to the poore, that ſo God may recompence thee with aduantage: is that whereto all men are to bee exhorted, as to a moſt commendable, yea a moſt profitable thing: and therefore no where forbidden in the word of God.

There is another branch of this Spirituall vſurie, and that is the profitable imploying of the giftes which wee haue receiued from God to the aduancing of his glorie, and the benefite of men. Of this vſurie Origen ſpeaketh preaching to the people: e *Ecce & nunc vos omnes, quibus hæc loquor, pecuniam accipitis fœneratam, verba mea: hæc pecunia Domini eſt.* Behold (ſayth he) all ye to whom I ſpeake theſe thinges, doe take my wordes as money to vſurie:

y *D. Wilſon in Prologo.*
z *Mat.* 5. 42.
a *Deut.* 15. 10.
b *Auguſt. in Pſal.* 36. *Ser.* 3.
c *Pro.* 19. 17.
d *Chryſoſt. homil.* 5. *in Mat.* 2.
e *Origen. homil* 3. *in Pſal.* 36.

Spirituall vsurie, the imploying of Gods giftes.

vsurie: this is the Lords money, which you must vse to increase. Of this vsurie also our *Sauiour Christ* speaketh in the parable, [f] *Thou oughtest to haue put forth my money to the exchangers, and then at my comming should I haue receiued mine owne with vantage:* (The Greeke hath τοκῳ, the old translation, *Cum vsura*, M. Beza, *Cum fœnore*, that is in english, with vsurie.) Now the money there spoken of is taken [g] *Pro commisso talento*, For the talent, or gift, or grace of God committed to a man. The putting forth of this money signifieth [h] *Operum exhibitionem*, The yeelding of workes, as Theophilacte doth well expound it: that is, the labouring and endeuoring to glorifie God, & to doe good to men by the giftes which wee haue receiued. The aduantage or vsurie there spoken of, is partly [i] *Superexcrescentia bonorum spiritualium*: The increase of the spirituall giftes themselues by the vse: (for as Iron groweth the brighter by wearing, so doe the giftes of God grow the greater by vsing.) And partly it is [k] *Fructus scientiæ data, vel gratiæ, vel beneficij*: The fruite and commoditie, which a man reapeth to himselfe, or yeeldeth to another from the knowledge, the grace, the benefite, which God hath bestowed vpon him. And this kinde of vsurie, that is, the imploying and putting forth of Gods giftes within vs to the best aduantage of him and our selues, must not be condemned, neither can it bee condemned from the holy scriptures. For GOD himselfe requireth it, [l] *Wherefore gauest thou not my money to the bancke?* and it is the end why he giueth his gifts to men: for he saith, [m] *Occupie till I come.* And if any man will (like an vnprofitable seruant) hide his talent in a napkin, and bury it in the earth, [n] not onely his talent shall be taken from him and giuen vnto another: but also he shal be cast into vtter darkenes where shall bee weeping and gnashing of teeth.

f *Mat.* 25. 27.

g *Dimissus Carthus. com. in Psa.* 14.

h *Theophilact. com. in Mat.* 25.

i *Tho. Aquin.* 22. *a. Quæst.* 78. *Artic* 1.

k *Dionis. Carthus. com in Psa.* 14.

l *Luk.* 19 23.

m *Luk* 19. 13.

n *Mat.* 25. 28. 30.

3. These

Ciuile vsurie. Actuall, mentall vsurie.

3. These two kindes of vsurie being thus shortly passed ouer, as not so pertinent to this present treatise; I come vnto the third, which for difference and distinction sake we may call *Fœnus ciuile, aut politicum:* Ciuill, or politique vsurie. Which is when gaine and increase is raised from the vse of worldly goods, which are things belonging to the ciuil and politique estates of men. And of this kind of vsurie, I find that there are two sortes: One is Actual or Outward, when by acte & outward deede, increase is made by the vse of a thing. An other is Mental or Inward, which consisteth onely in the hope and purpose, and expectation of the man. So saith Caietanus, o *Vsura distinguitur in mentalem rãtum, & in vsuram extrinsecam:* Vsurie is distinguished into that which is onely mental, or committed onely in the minde, and to that which is outwarde, or which bewrayeth it selfe by some outward acte. So sayth also Viguerius, p *Vsura diuiditur in mentalem & extrinsecam:* Vsurie is diuided into that which is Mentall, and that which is Outward. So sayth also q Molanus, and diuers others to tedious to repeate. Of Outward actuall vsurie there are also two kinds: The one Voluntarie, the other by Compact. Voluntarie vsurie I take to be that which men commonly call *Fœnus liberale,* and is then performed, when the borrower hauing profited, and benefitted himselfe by another mans goods, which he borrowed, doth voluntarilie, vnbound, or vnrequired, yéeld a thankfull, or kind remembrance to the lender: not as a recompence of the other mans lending, but as a testimonie of his owne thankfulnes. Now I am not ignorant that other men haue iudged otherwise of this poynt. Pellicane putteth this difference betweene *Vsura* and *Fœnus:* r *Vsura dicitur quod supra sortem datur ex pacto: Fœnus quod liberè datur supra sortem sine pacto:* Vsurie is that which is giuen by couenant aboue the principall:

o *Caietanus Cardinal. Summula tit. Vsura.*

p *Io. Viguerius Instit. Theol. cap. 5. §. 3. Ver. 15.*

q *Io. Molanus comp. Theol. pract. tract. 2. cap. 26. concil. 1 sect. 7.*

r *Pellican. com in Pro. 28. 8.*

Vsurie and Fœnorie how supposed to differ.

cipall: and Fœnorie is that which is giuen freely and without couenant more then the principall. But this distinction I approue not, vnlesse he put to *fœnus* the addition of *liberale*, to discerne it, and specifie it for a kind by it selfes: because it is euident that *vsura* and *fœnus* are taken *promiscuè*, both in one sense, and both in the worst part among all writers. Others haue thus distinguished betweene vsurie, and liberall or voluntarie Fœnorie: [*Vsura est quod datur supra sortem ex pacto præcedente, scilicet inter vsurarium & debitorem: Fœnus liberale est retributio mutuatæ pecuniæ in debitoris libera voluntate constituta.*] Vsurie is that which is giuen aboue the principall by couenant, made before betweene the vsurer and the detter: Voluntarie Fœnorie is the repayment of the money borrowed, consisting in the free will or choyce of the detter. And he addeth: *Ita solet definiri*: So is it vsually defined. How vsually it may be, but truelie, and soundlie (in my suppose) it cannot be thus defined. For by this meanes Fœnorie shall be onely the repayment of such a debt, as which a man may chuse (because he is not bound) whether he will discharge or no. In which sense I doe not remember that euer I read the word vsed in any kind of writer. And besides that, neither can he be called *Fœnerator* which lendeth without couenant or assurance to receiue his owne againe: neither can that be called *mutuata pecunia*, which a man so putteth forth, as he leaueth it free in the choyce of the borrower, whether he will euer repay it or no. And therefore without question, *Ita nequit definiri*, Voluntarie or liberall Fœnorie cannot so be defined. Vnles *per retributionem mutuatæ pecuniæ*, we vnderstand, not the repayment of the principall, but a recompence and consideration made for the lending. I doe therefore so vnderstand voluntarie vsurie, as I haue before described it: and being so taken and vnderstood, I see not

[*Hugo Cardinalis in Prou. 28.8.*

how it can be condemned by the word of GOD. For first, it is onely a testimonie of thankfulnes, and not a recompence of a benefite. Secondly, it is the free wil of the giuer: now what is freer then gift? And againe, *Volenti non fit iniuria*: If he will giue it vnasked or vncompelled, he hath no iniurie offered in the taking. Thirdly, he that lendeth might lawfully before he lent receiue a free gift of the borrower. [t] *Nec peioris conditionis efficitur per hoc quod mutuauit*, sayth the Schoole man: His lending hath not put him into a worser condition: but that he may as lawfully take a free gift after he hath lent, as he might before his lending. And therefore this voluntarie vsurie I leaue also vncondemned: and doe rather condemne the old translation, which ioyneth together *Vsura* and *Fœnus liberale* in this sentence of Salomon.

But to proceede: As there is vsurie giuen of free will, so is there also vsurie due by Compact. And that is committed, when he that lendeth Couenanteth with the borrower to receiue againe not onely his owne, and his principal, but also increase and aduantage. Of which Compacting vsurie, some is more open and direct, and therefore I call it *Vsura explicata*, manifest or vnfoulded vsurie: some againe is more close and secret, and therefore I call that, *Vsura palliata*, cloaked, or couert vsurie. According to which diuision Molanus speaketh thus: [u] *Exterior vsura aliquando clara est, aliquando verò titulo honesti palliatur*: Outward or actuall vsurie sometimes is cleare, and manifest: but sometimes it is cloaked or couered with the title of honestie. And another more plainly, [x] *Contractus mutui est duplex, verus & palliatus. Ita duplex est vsura: vera quæ in vero mutuo, & velata seu palliata quæ in palliato versatur*. The contract of lending is of two sorts: the one direct or indeede: the other cloaked or pretended. And so is vsurie of two sorts also:

t *Tho. Aquin. 2.2. quæst. 78. art. 2.*

u *Molanus comp. theol pract. tract. 2. cap. 26. conc. 2. sect. 13.*

x *Martinus ab Azpilcueta enchirid. cap. 17. num. 207.*

Mentall vsurie is hope of gaine.

also: the one true vsurie, or vsurie indéede which is occupied about true lending: the other couert or cloaked vsurie, which is occupied about lending cloaked or pretended. And these be the speciall kinds of outward or actuall vsurie.

Then followeth that which is *Mentalis vsura*: The vsurie of the minde, The practiser whereof is called [y] *Mentalis vsurarius*; A mentall vsurer, or one that committeth vsurie onely inwardly with himselfe and with his owne minde. For [z] *Mentalis consistit in spe lucri absque vlla conuentione*: Mentall vsurie consisteth in the hope of gaine without any couenant, sayth Viguerius. If a man therefore lend, demaunding no gaine of the borrower, nor couenanting with him for vsurie and increase: outwardly, in déede, and act he can be no vsurer. But if his purpose, and desire, and expectation be, that the borrower should not bring his goods wéeping home, but that he should tender him consideration for the vse of his goods: such a man hath in his mind committed vsurie before God, and commeth within the compasse of Salomons censure in this place. I am not ignorant that there are many other distinctions or diuisions made of vsurie: as [a] *Simplex* and *Coniuncta*: *terrestris* and *nautica*: *Centesima*, *Semissalis*, *Trientaria*, &c. But these either are comprehended vnder those alreadie specified, or els they are not in vse and practise among vs: and therefore I hold it not necessarie at large to dilate them. But now these branches of vsurie being thus expressed, it remaineth that we proceed to the handling of so many of them as fall into controuersie and question in these daies. And those are by name, first Outward or Actuall compacting vsurie, and the two branches therof *viz.* Open and Cloaked vsurie: secondly, that which is onely mentall or committed in the minde. And therefore these onely my purpose is to

y *Didacus Couar. relect. part. 2.*

z *Viguer. instit. theol. cap. 5. §. 3 ver. 15.*

a *Aret. prob. part. 1. loc. 50.*

Caluine, Bucer, &c. alowe some vsurie.

discusse in the treatise following.

But by the way let me note thus much from that which hath been alreadie deliuered concerning the name, the diuers acceptions, and the seuerall kindes of vsurie. It is true, and it must bee confessed that there are to be found in diuers godly writers large tolerations (that I may not say approbations) of some kind of vsurie. Master Caluin sayth, [b] *Nullo testimonio scriptura mihi satis constat vsuras omnino damnatas esse*: It doth not sufficiently appeare to me by any testimonie of scripture, that vsurie is wholly or generally condemned. Bucer sayth, [c] *Vsura siue fœnus, hoc est, quicquid commodi ex data mutuo pecunia vel re alia ad creditorem a debitore supra sortem redit, per se nulla lege prohibetur*: Vsurie or fœnorie, that is, all kind of commoditie which arifeth by the lending of money, or any other thing, from the borrower to the lender ouer and aboue the principall: by it selfe or simplie is forbidden by no law. [d] Bullinger seemeth to bee of the same minde, and some others also, who for their great godlines and learning are much to be regarded. Now I would haue no man to conceiue that my purpose is to neglect or contemne so excellent men, and so well deseruing of the Church of God. No, I acknowledge that Bucer was [e] *verè pius*, a very godly man, and Bullinger was [f] *vir doctissimus*, a very learned man: as Master Beza, a man very godly, and learned himselfe, hath intituled thē in his writings. But especially, Master Caluin was a man (as Zanchius testifieth of him) who is iustly to this day [g] *honorifica memoria*, of honorable memorie: *vt tota nouit Europa*, as all Europe witnesseth. Yea further, he was a man *præstanti pietate, maxima eruditione, singulari in rebus omnibus iudicio*, of great godlines, exceeding learning, and singular iudgement in all things. God forbid therefore that I should contemne them and their iudgements. But this

b *Io. Caluin. epist. resp. de vsuris.*

c *Bucer com. in Mat. 5.*

d *Bullinger. decad 3. Ser. 1.*

e *Theod. Beza de cœna Dom. contra Ioach. Westphal. ad cap. 22.*

f *Beza respons. ad Franciscum Balduinum.*

g *Hieron. Zanchius miscel. in. epist. ad Lantgrauiū pag. 36.*

Bullinger taketh the name of vsurie, very largely.

this is that which I would haue here to bee obserued, concerning these men and others of their opinion. Sith the name of vsurie is taken so largely, and sith there are so many kindes and branches of vsurie, whereof diuerse haue alreadie been by mee acknowledged to bee lawfull: it is no great marualle though they haue spoken so fauorablie of some kinde of vsurie, or of vsurie in generall, taking it (it may be) in the largest signification. And why doe I say, it may be they tooke it in the largest signification? When as it is euident that some of them did so take it in deede. For Bullinger defineth vsurie after this sorte, [h] *Vsura est, cum alteri concedis vsum tui Peculij, vt pecunia, vel domus, vel pecunia, vel alterius alicuius rei, vnde in annum percipis fructum aliquem.* Vsurie is, when thou yeel dest to another the vse of thy goods, as of thy groonde, of thy house, of thy money, or of any other thing, whereof thou reapest a yearelie commoditie. Now if vnder the name of vsurie, we vnderstand whatsoeuer commoditie ariseth to a man from the leating of his cattell, of his house, of his land, or such like: then it is euident that (as these learned men and others affirme) all kinde of vsurie, simplie and generallie is not forbidden in the worde of God: neither doe they (taking vsurie so largelie) oppositely and directlie oppugne the drifte of this treatise. I conclude therefore this poynte with that saying of the Schoole man, [i] *Vsura quandoque capitur multum large, pro omni acceptione vltra sortem in mutuo, & sic non omnis vsura est illicita.* Vsurie is taken sometimes very largelie in signification *viz.* for any thing which is taken in lending aboue the principall, and so all vsurie is not vnlawfull. For voluntarie thankefulnes hath been iustified alreadie, and interest shall be iustified hereafter in this discourse. Besides that, the name of vsurie includeth the very vse of any thing, and it

h *Bullinger. decad. 3. Serm. 1.*

i *Gabriel. Biel. in quartum senten. dist. 15. quæst. 11. art. 1. &c.*

Outward and actuall. vsurie defined.

hath diuerse kindes which before haue been approued to be lawfull. So much therefore in this place for those mens opinions. Now I returne to the handling of the branches of vsurie, which are most common among vs and shall bee shewed to be vnlawfull by the worde of God.

1. Outward Open Actuall. } vsurie.

And first of that outward and actuall vsurie, which is open and manifest, and appgrant to bee such as it is indeede in the eyes and iudgement of men. This is that kinde which hath spred it selfe furthest, and hath growne most common in all places and corners of the world. And therefore of this kinde most writers of all countries doe intreate: giuing (euery man according to the abundance of his owne sence) diuerse definitions or descriptions thereof. All which but once to remember and relate, would almost make a volume of it selfe. Many therefore shall for breuities sake be onelie quoted in the margent; and those which are recited shall for the better vnderstanding of the simple bee diuided into foure seuerall rankes.

1. The first sorte of definitions of Vsurie.

The first ranke shall be of those which doe thus define it or to this effect [k] *Vsura est quod ex mutuo vltra sortem accipitur.* Vsurie is whatsoeuer for lending is taken aboue the principall. Or againe, [l] *Quicquid recipitur vltra sortem vsura est.* Whatsoeuer is taken aboue the principall is vsurie.

To which effect it is also defined of

Aret. prob. part. 1. loc. 58. tit. De vsuris.
Glanuil. lib. 7. cap. 16. & lib. 10. cap. 3.
D. Wilson fol. 34.

These definitions exclude as wee see the taking or recei-

k *Ludolphus de Vita Christi. part. 2. cap. 49.*

l *Petrus de Anchorano consil. 49.*

Ingratitude condemned. Other definitions of vsurie.

receiuing of any thing for lending, whatsoeuer, or vpon what occasion soeuer: and therefore are indeede more large then can well bee iustified by the worde of God. For first they exclude *Fœnus liberale*, which hath afore been approued to bee lawfull. Secondly, they cut off the very giuing and receiuing of thanks and good will betweene the borrower and the lender. Whereas very nature teacheth a man to bee thankefull for a benefite, and to repay good will to him that hath deserued it. [m] The Persians (wee reade) punished ingratitude with death, and [n] *Claudius Cæsar* reduced vnthankefull persons into bondage: and why then should vnthankefulnes bee tollerated among Christians? No, the Schoole men [o] haue canonized gratitude for a speciall vertue: and so is it certainely to be houlden and reputed. These definitions therefore I receiue not, for the reasons before mentioned and alleadged.

m *Phil. Melancthon. Dial. lib.* 1.
n *Suetonius Claud. Cæs. cap.* 25.
o *Tho. Aquin.* 22ª *quæst.* 106 *art.* 1.

2. *The second sorte of definitions of Vsurie.*

There bee others which describe vsurie after this manner, [p] *Vsura est vbi amplius requiritur quam datur. Verbi gratia: Si dederis solidos decem & amplius quæsieris, vel dederis frumenti modium vnum, & super aliquid exegeris:* Vsurie is when any thing is required, or demaunded, more then was giuen or lent forth. As for example; If thou lendest ten shillings and demaundest more, or lendest a bushell of corne and demaundest more, this acte is vsurie. This definition steppeth a degree beyond the former sorte. For where the other spake onely of giuing and receiuing more then the principall: this importeth a requiring, a demaunding, and an exacting of more then the principall. And yet this definition cannot be sound, nor sufficient to expresse vnlawfull vsurie.

p *Concil. Agathense decret.* 2.

Taking of forfeiture. not generally vnlawfull.

vsurie. For if all kinde of demaunding more then the principall be vsurie, then here to cut off all the taking of the forfeiture of any bande or obligation, for any cause or consideration whatsoeuer: because in so doing, a man deuiseth and receiueth more, yea as much again as the first debte and principall. No doubt is true, that this taking of forfeitures, is a grieuing of the sores of the poore in common in this vncharitable age, and it is a kinde of gaine which our fathers in former ages scarse knew, but seldome or neuer practised. Yet no man may simplie and absolutelie forbid another, euen by bandes to take securitie of his owne: neither may men peremptorilie bee condemned, when being preuented for want of their owne, they seeke to make themselues whole or to saue themselues harmeleſſe by the penalties and forfeiture of bandes.

Prouided alwaies that such bandes, obligations, penalties, and forfeitures, passe not betweene man and man q *In fraudem vsurarum*: To cloake vsurie withall, or to preuent the lawes which prohibite vsurie. *Quia, si in fraudem vsurarum pœnam adijcit, vsurarius est.* For if a man lend any thing, and take the borrowers bande for the payment of it, with intent that at the day the penaltie and forfeiture of the bande, shall paye for the forbearing of the money: then certainely hee is an vsurer. So is it is to bee presumed saith the same Schooleman, that the lender imposeth a penaltie vpon the borrower, to cloake the acte or to auoyde the danger of vsurie, when as either r The lender wisheth rather, that the borrower woulde passe his daye, and so hee might take the forfeiture: then that he should paye him at his daye, and so auoyde the penaltie. Or else, when the lender knoweth at the time of lending, that the borrower is not like to make restitution at his appoynted daye. Or thirdly, If the lender imposeth a greater penaltie vp-

q *G. Biel in quartum sent. dist. 15. quæst. 11. art. 1. c.*

r *Ibidem.*

on

Interest, what it is. Interest in two respects.

on the non payment, then his dammage can possiblie be for the forbearing of his goods. These are three rules which if they were well seene into and obserued, would cut off many vsurarious bargaines that passe betweene man and man, vnder pretence of billes and bandes, forfeitures and obligations. It being a common practise in these dayes, that when men lende vpon bandes, with intent of vsurie: when the daye is passed and the bande is forfeited, though they haue for want of their money at the appoynted day sustetned no certaine, nay no likely dammage, yet to paye themselues sometimes double and treble vsurie by the forfeiture of the bande. And if they take not the extremitie, and the whole, they will be of necessitie accounted very honest and religious dealers. But of that by the way.

As those which define vsurie after this second sort doe thereby cut off all obligations and forfeitures: so doe they also thereby exclude all due and lawfull Interest. ¶ Interest is (saith Melanchton) a debte which he oweth by the lawe of nature, that hath beene to another an effectuall cause of damage and losse, or hath indeede hindered his iust and lawfull gaine. So that Interest is iustly due. * *Non solum ex damno contingente, sed etiam ex lucro cessante*: Not onely when a man hath lent, and for want of receiuing againe of his own in appointed time, he suffereth dammage, but also when wanting his own to employ for his best aduantage his gaine and increase is hindered. As for example, I lent freely, loking to receiue mine owne againe at a certaine appointed day. The day came, I receiued it not. For want of it, I forfeited at that day a band to an other man, and the forfeiture is exacted of me in part, or to the vtmost. I doubt not but reason and conscience will, that I may demaund such recompence of him to whome I lent freely,

[f] *P. Melanct. lib definit. Appellat.*

[t] *Panormitan. c conquest. de vsuris cit. a Gab in 4 sent. dist. 15. quæst. 11. art. 1. f.*

Interest from dammage sustained. Interest from gaine hindered.

freely, as I am compelled for want of mine owne, to make to another to whome my bond and obligation by that meanes is forfeited. And thus is Interest demanded *Ex damno emergente*: In consideration of the dammage I haue sustained. Againe, I am (for the purpose) an occupier, and haue money lying by me, which may pleasure an other man for a time, and will serue mine owne turne well enough, if at such a day it be repaied. I lend freely: I cannot receiue it at my appointed time. For want of it, I cannot at such a day make such prouision for my house, or so furnish my shop with wares, as my necessitie and occupation doth require, whereon my liuing and maintenance dependeth. I doubt not, but I may in equitie & conscience demand, that hee which borrowed my money, wherewith I might haue furnished my selfe of these thinges, should make recompence answerable to y benefit & aduantage, whereof for want of mine owne I haue beene hindered. And this is Interest demanded *Ex lucro cessante*: In consideration of my gaine which by want of mine owne hath beene abated. The reason of both these is one (saith Melanchton) u *Ex naturali equitate*: From naturall iustice. For this is a lawe of naturall equitie, x *Nemo locupletetur ex cuius alterius iniuria*: Let no man enrich himselfe by hindering of an other. And the Apostle will not that euen in giuing of almes, (much lesse in lending and borrowing) we should so deale as y *Other men should be eased by the grieuing of our selues*. Now if I lend to pleasure an other, and for want of mine owne at the appointed time, I am indamaged to my creditour, or hindered of my lawfull gaine: hee is enriched by my harme, and eased by my griefe, and therefore recompence due vnto me by the very lawe of nature. Interest then is not vnlaw, nor vnlawfull: and consequently the definition of vsure last aboue named,

u *Melan. lib. definit. appellat.*

x *Ibidem.*

y 2. *Cor.* 8. 13.

because

because it excludeth all penall forfeitures, and all reasonable Interest, is not to be receiued.

Note by the way for the better discouerie of the vsurers craftie dealing, that howsoeuer hee be to glose with the worlde, is wont to confound the names of Interest and vsurie: and men are wont to say, that they take Interest, and lend vpon Interest; when indeed they take vsurie and lend vpon vsurie: yet that there are two manifest and essentiall differences betweene vsurie and Interest, which doe so distinguish the one from the other, as that they cannot possibly be confounded. One difference is this: Vsurie is an ouerplus or gaine taken more then was lent; Interest is neuer gaine or ouerplus aboue the principall, but a recompence demaunded, and due for the damage that is taken, or the gaine that is hindered through lending. An other difference is this: vsurie accreweth and groweth due by lending, from the day of borrowing, vnto the appointed time of payment: Interest is neuer due but from the appointed day of payment forward, and for so long as I forbeare my goods after the day, in which I did couenant to receiue them againe. So that, if once I haue lent freely vnto a certaine day, I shall not demaund Interest for any damnage sustained, or gaine hindered during that rearme of time, for which I haue lent vnto another. But if at the couenanted time I receiue not mine owne againe, then what harme soeuer do betide me after that day for the forbearing thereof, reason will that it be recompenced of the borrower. And so much of Interest, and of the difference betweene it and vsurie.

Other definitions. Vsurie lendeth for gaine.

3. The third sorte of definitions of Vsurie.

A third manner of defining vsurie is this.

[2] Selneccerus saith, *Vsura est lucrum supra sortem exactum*: Vsurie is a gaine exacted aboue the principall. And so saith Brentius, [3] *Vsuram definiunt esse lucrū, quod ad mutuum accedit, seu vbi præter sortem solvitur aliquid propter mutuationē*: Men (saith he) doe define vsurie to bee a gaine that is added to that which is lent: or when ouer and besides the principall, any thing is payed for lending.

[2] *Nich. Selneccerus inst. christ. rel. part. 2. pag. 615.*

[3] *Brent. com. in Deuit. 25.*

To which effect it is also defined of

Luther. de tax. and. vsurato 7.

Melanch. lib. de fin. appet.

Tho. Aquin. 22. quæst. 78. in principio.

Leuit. in Exe. 18. hom. 16.

Da. Chytræus. in Exod. 22.

Viguerius. instit. theol. cap. 5. §. 3. ver. 14.

D. Wilson. fol. 85.

Now these descriptions are somewhat more perfect then those that went before: for they doe adde the mention of Gaine vnto Exaction. And whereas the other affirmed that whatsoeuer is exacted more then the principall, that is vsurie: (so condemning both penalties and Interest, thinges which are lawfull in common equitie,) these definitions doe import that vsurie is neither penaltie nor Interest, taken for the forbearing of any thing longer then the appointed day: but that it is a gaine, an ouerplus, and increase arising from the very act of lending. And yet these seeme not to me to be perfect and absolute enough to the purpose. For

put

All lending for gaine, not vnlawfull.

put the case that I lend an hundred pounds to a merchant aduenturer, with these conditions: *viz.* if hee gaine not by imploying of it, I require no gaine: if he lose in the imploying of it (doing his good and honest indeuour, that there bee not *Culpa lata*, as the Ciuilians speake) I will beare halfe the losse: if he gaine nothing, but onely saue the principall, I will haue that wholly repayed againe: if hee not onely saue the principall, but gaine by the imploying of it also, I will not only haue the principall, but part of the gaine also. In this case I demaund gaine of that which I lent, euen because I lent it: and yet I take not this gaine to bee vsurie or vnlawfull. First, because I doe herein aduenture the principall. Secondly, because I am contented to partake the losse. Thirdly, there is neither certainty of gaine, neither if I do gaine, is there anie measure or proportion of gaine agréed vpon. It may bée some man will iudge this to be *Cõtractus societatis*. The contract of society, or partnership. If it be, yet it differeth very little from lending. If it be lending, thé doth it annihilate the definitions last aboue mentioned: as those which do not sufficiently describe that kind of vsurie which is vnlawfull and condemned by the word of God.

Not much vnlike or differing from this, is the right Contract of Societie, or partnership in deede. An instance whereof may (for examples sake) bee deliuered in a Scholler: who hath readie money left him of his father, but hath no trade wherein to employ it, because he hath bèen continuallie trained vp in learning. Hée hauing a friende that is a Marchant, committeth the occupying of his money vnto him: with condition that they shall diuide the gaine equallie betweene them, if it increase, and beare the losse equallie betwéene them if it decaye. The summe of the conenant is thus much in effect. The Scholler shall after a sorte

lend the Marchant his money, and the Marchant shall after a sorte lend the Scholler his labour: both shall be combined, and the losse or gaine shall be equallie diuided. This was neuer iudged to be vsurie: neither shall it euer be iustly reproued from the Scriptures.

4. *The fourth sorte of definitions of Vsurie.*

There are yet others which doe describe vsurie after an other manner, and in another forme of words. The Diuines of Wittenberge, haue thus cõcluded of it, [b] *Sunt vsurarij seu fœneratores, quicunque ex pecunia mutuò data vel minimum etiam obolum, vel haustum frigidæ aqua, ex conuentione vltra sortem accipiunt.* Those are vsurers, who, for money lent forth, doe by couenant receiue euen the leaste halfe pẽnie, or a draught of cold water, ouer, or more then the principall. To this effect also is it defined of that reuerend B. of Sarisburie, [c] *Ecclesiæ nostræ decus & ornamentum*, who was in his time an honour & ornament to our church; as D. Hũfrie truly reporteth. He intreating *ex professo* of this argumẽt: hath left vsury thus defined in his writings. [d] Vsurie is a kinde of lending of money, or corne, or oile, or wine, or of any other thing, wherin vpon couenant and bargaine we receiue againe the whole principall which we deliuered, and somewhat more for the vse and occupying of the same.

To which effect it is also defined of

Zegeddinus loc. com. p. 457.
Hugo card. cõment. in Pro. 28. 8.
Ioh. Melanius cõpend. Theol. practicæ tract. 2. cap. 26. consil. 3. sect. 14.
D. Wilson. fol. 84.
M. Smith. ser. 1. vpon Vsurie fo. 3
M. Turnbul serm. 4. in Psalm. 15.
M. Perkins. Armil. aur. in præc. 8. cap. 27.
Raymundus Goffredus.

b *Theses Wittenberg. de vsura. thesi. 2. citat. ab Aret. Prob. part. 1. loc. 50.*

c *Laurent. Humfred. epist. nuncupat. in vita Iuelli. pag. 4.*

d *Io Iuel. Ser. in 1. Thess. 4. 6.*

Now

Vsurie is without danger or aduenturing.

Now these definitions doe adde vnto the former the poynt or particular of compact. At the least wise they doe more openly and clerely explaine that, which the others haue deliuered concerning debte and exaction. For the borrower can owe nothing but by conuenant: the creditour can exact nothing but by couenant. And therefore vth in vsurie there is debt, and there may bee exaction: there must of necessitie be also in vsurie, not only lending and gaine, but also couenanting and compacting for gaine.

But now because these three thinges may concurre viz. 1. Lending 2. Lending for gaine. 3. Couenanting for gaine: and yet not make vnlawfull vsurie (as hath beene before exemplified in the third ranke by order of definitions:) therefore I adde the fourth circumstance vnto the former three, and that is, The not aduenturing of the principall. And this fourth point I take vp and adioyne to the former out of the Councell of Laterane. *Ea propria est vsurarum interpretatio, quando videlicet ex vsu rei quæ non germinat, nullo labore, nullo sumptu, Nullo Periculo lucrum fœtusq; conquiri studetur.* This is the proper interpretation of vsurie, (say the Fathers assembled in that Councell) when men labour to get gaine and increase from the vse of a thing which groweth or increaseth not: and that with no labour, with no cost, with no danger, or aduenturing. And therefore conferring al these definitions together, and gleaning out of them all, that which I holde most essentiall to this purpose: I doe thus define that Open, Outward, and Actuall vsurie whereof I now intreate, and which I take to be forbidden by the worde of God.

c *Concil. Laterran. sub Leone 10 sess. 10.*

Vsurie is a lending for gaine, by compact, not aduenturing the principall. Or more plainly thus.

Vsurie is, when a man not aduenturing the goodes which hee lendeth, couenanteth to receiue againe more

The sinne of vsurie, and vsurie it selfe, differ,

more then he lendeth, euen vpon this consideration, because he lent them.

Note by the way, that I here do define the action or sinne of vsurie, and not the vsurie it selfe, as many haue done in the former descriptions. For one sayd rightly, f *Aliud est peccatum vsuræ, & aliud vsura:* The sinne of vsurie is one thing, and vsurie it selfe is an other thing. The sinne of vsurie is to take or to desire vsurarious gaine: but vsurie it selfe is the gaine which in the owne nature may be valued for money, and is demaunded principally for the dutie either of direct or coloured lending. Now the sinne or fault of vsurie, is the thing which is condemned in the worde of God, and therefore that is it which I déemed here most fit to bee described. And in this kind of vsurie thus described and layd forth, I doe obserue foure thinges which must of necessitie concur and méete together. 1. The first is Lending. 2. The second is lending for Gaine. 3. The third is Compacting for gaine. 4. The fourth is, The not aduenturing of the principall. Of which foure particulars, as of thinges whereupon dependeth the waight and substance of this controuersie, my purpose is seuerally and largely to intreate in the sermon following.

f *Mar. ab Azpilcueta enchirid. cap. 17. num. 207.*

The ende of the first Sermon, Preached March. 19. 1592.

The

The second Sermon: the speciall contentes whereof are these.

1. *Vsurie is committed in lending onely.*
2. *Vsurie is in lending for gaine.*
3. *Vsurie is compacting for gaine.*
4. *In vsurie is no aduenturing of the principall.*

And so consequently here is discussed.

1. *What lending is, and how it differeth from other contractes.*
2. *What gaine is, and what it is to lend for gaine.*
3. *What it is to compact, and how many waies a man may couenant.*
4. *How the vsurer aduentureth, and not aduentureth his principall.*

THe first of the foure thinges, necessarily required to the definition of this vsurie, is that it be committed in lending. [a] *Dicunt vsuram in solo mutuo (quod debet esse gratuitum) committi: non in reliquis contractibus.* Men say that vsurie is onely committed in lending, (which should be free) and not in other contracts. Now indeede, learned men doe say and affirme so. [b] Chemnitius sayth: *Fit in contractu*

a *Bullinger. decad 3. Serm. 1.*

b *Chemnit. loc. com tom. 2. tit. de paupertate cap. 6.*

contractu mutui: Vſurie is committed in the contract of lending. Brentius ſayth: [c] *Vſura fit tantum in mutuo*: Vſurie is committed onely in lending. D Willſon ſayth: [d] There cannot bee any vſurie where lending is not. And therefore the ſcripture ſayth, ſpeaking of vſurie: [e] *Si pecuniam mutuam dederis*. If thou lend money: for ſo is it read in all old and new tranſlations. And the Greeke interpretor hath; ἐαν δανείσῃς: The ſame worde which Chriſt vſeth, Luk. 6. and all men tranſlate, [f] *Mutuum date*: Lend looking for nothing againe.

c *Brent. com. in Leuit. 25.*
d *D. Willſon fol 86.*
e *Exod. 22. 25.*
f *Luk. 6. 35.*

Now ſith vſurie is onely in lending, it is neceſſarie that we conſider what lending is: and conſequently, that we haue ſome recourſe vnto the lawyers ſchooles, to whome the handling of contracts both ſpecially appertaine. And yet ſo, as that in ſpeaking thereof, wee ſhall not wholly tranſgreſſe the bounds and limites of Diuinitie. For although, [g] The matter and forme of contracts be to be deriued from the lawyers and philoſophers: yet the Diuine addeth to them the efficient cauſe, which is the ordinance of God: and ſpeaketh more highly of the final cauſe, then either the lawyer, or philoſopher by his profeſſion can apprehend. [h] For the rule of Diuinitie (ſayth Chemnitius) is this. *Ita exercendos contractus, vt conſpiciatur fides, & exerceatur dilectio*: Contractes, and bargaines muſt ſo be vſed among men, as they may ſhew their faith, and exerciſe their loue towardes their brethren. A thing which I thought good the rather to obſerue, leſt either Diuines ſhould thinke that matters of bargaining and contracting belong no way to their profeſſion: or that in ſpeaking of them at this preſent, I ſhould bee thought to aſſume that vnto mee, which beſeemeth not my calling.

g *Chemnit. loc. com. tom. 2. tit. de paupertate. cap. 6.*
h *Ibidem.*

But to returne to the point: If we will know what lending is, and what manner of bargaine a man maketh when hee lendeth to his neighbour: me thinkes

Hemingius

Lending what. How lending and giuing differ.

Hemingius hath well described the nature thereof vnto vs.[i] *Mutuatio est contractus quo transfertur rei Dominium in alterum, nullo quidem pretio interposito, sed cum pacto, vt eadem res reddatur in specie.* Lending is such a contract, or bargaine, as transferreth the dominion or property of a thing, from one vnto an other, for no consideration of any price or recompence, but onely with couenant, that the same kinde of thing bee rendered and repayed againe. Now I would haue these wordes of Hemingius to bee throughly waighed and considered. For euery one of them hath his waight and moment: and they doe not onely distinguish lending from all other kind of bargaining: but also doe manifestly shew that an vsurer can practise no other contract, but onely lending: yea, and onely that kinde of lending which is called mutuation. First, in that when we lend, wee couenant with the borrower, that the same thing, or the like thing, shall bee repayed and restored againe: therein and by this poynte is lending distinguished from giuing. For[k] *Donatio proprie est, qua aliquis dat ea mente, vt statim velit accipientis fieri, nec vllo casu ad se reuerti.* Giuing is, when a man bestoweth a thing vpon an other, with this minde and purpose, that hee would presently haue it become his that doth receiue it, and neuer in any wise to be returned againe vnto himselfe. Frō whence then we may easily obserue, that the vsurer giueth not forth his money or his goodes: in as much as he hath no purpose to make them become for euer, the goodes of the receiuer: but couenanteth, that in time they shal againe returne vnto himselfe. And therefore, though sometimes wee reade this phrase or manner of speaking in the holy scripture.[l] *Thou shalt not giue him thy money to vsurie:* and againe,[m] *He that giueth not his money to vsurie,* and such like: yet wee must not bee so simple, as to gather from thence, that the vsurer practiseth

i *Heming. com. in Iac. 5.*

k *L. 1. & L. Donari. ff. de Donationibus & L. Donari. ff. de Reg. Iur.*

l *Leuit 25. 37.*

m *Psal. 15. 5.*

tiseth the contract and conuenant of giuing: for as much as he indenteth for the returne, and repaying againe of such thinges as are deliuered. Whereof it is that though the prophet Ezechiel do vse also the same phrase of *giuing forth to vsurie:* yet he addeth thereunto the taking of increase: which noteth, that it is such a kinde of giuing, that is practised in vsurie, as carryeth taking with it. As if a man would say in this case, and in this sense, as it is said in Authors of some kinde of contracting. o *Do vt des, vel do vt facias:* I giue thee, that thou maiest giue me: or I giue thee this, that thou maiest doe me that. Thus then wee see howe lending and giuing differ: and that the vsurer doth not in putting forth of his money, exercise the contracte of giuing vnto men.

n *Ezech.* 18. 13.

o *Gratian. decret. Part.* 2. *Cauſ.* 14. *Quæſt.* 3.

From giuing then, let vs proceede to letting: and let vs consider whether the vsurer doth let foorth his goodes or no. For that is also a phrase of speech which they haue among themselues: namely, that they doe let their money, or put it forth to leuage or loane. Now what is letting? p *Locatio eſt contractus, in quo res transfertur ad certum tempus, quoad vſum, pro certo pretio, non quoad dominium, &c.* Letting (sayth Melancthon) is a contract, in which a thing is transferred or made ouer from one man to another, as touching the vse, but not as touching the propertie, for a certaine price, and for a certaine time. As for example, I let thee my seruant by the day, to labour in thy harueſt: I let thee my horse by the weeke, to ride vpon, my howse by the yeare to dwell in, my land to occupie, &c. not that my seruant, or horse, or howse, or land should become thine owne in propertie, and should abide by thee for euer: but that thou shouldest haue the vse, and profite, and benefite of them for a certaine season. So that herein lending and letting differ. Lending maketh a translation of the pro-

p *Melanct. lib. defin. appellat.* Et L. 2 ff. *locati. L. i. §* Si quis ſeruum. ff. *depoſit.*

pertie,

pertie: letting doth onely make an alienation of the vse. Wherevpon it commeth to passe, that in lending q *Transfertur periculum in accipientem.* The hazard, or aduenturing of the thing which is lent, is conueyed from the lender, to the borrower or receiuer. So as, if that which he borroweth doe perish or decay: the borrower is bound to make it good againe. And why? Because the propertie or dominion of a thing was in him: now the casualtie of things belongeth to the owner. But it is otherwise in letting: r If a man let a thing, and by casualtie it perish in the vse: the hyrer shall not bee bound to make it good, because the dominion and propertie resteth not in him. To which also may be added, the reason that the Lorde himselfe touching that case giueth in the scriptures: s *if it bee an hired thing it came for his hyer.* The hyrer paide for the vse, and therfore hee shall not stand to the aduenture of the thing. And consequently, as it hath been before declared, that the vsurer giueth not: so is it euident from hence, that he letteth not his goodes. For first, the vsurer doth alienate the propertie of his goodes, from himselfe to the borrower. Secondly, hee doth impose the casualtie of that which he lendeth vpon the necke of him that doth receiue it. Neither of which two things, are vsually, or iustly practised in the contract of letting: the vsurer therefore doth not let his goodes.

q *L. Pignus C. de Pignorat. act.*

r *L. Si quis domum. §. Si Colonus. & L. Si merces. §. Sis maior ff. locati.*

s *Exod. 22. 15.*

From letting, let vs goe on to buying and selling. t *Emptio est contractus, quo res transfertur quoad dominium pro iusto pretio: Nec retinet emptor ius retrahendi pretij.* Buying is a contract, by which a thing is transferred or alienated, from one man to another, as touching the dominion or propertie, for a certaine price: and the buyer hath no right to recall, or withdraw the price, or consideration againe. From which it may appeare in few wordes: First, that buying and selling, do differ much

t *Melanchon. lib. defin. appellat.*

The Vsurer selleth not. The Vsurer exchangeth not.

from lending. For lending, is the translation of the dominion of a thing, *Nullo interposito pretio*: For no price or consideratiō: but selling is the alienating of a thing, *Pro iusto pretio*: For a set price to be paide, and consideration to be made. Secondly, it may appeare that the vsurer practiseth not the contract of bargaine and sale. For he doth not alienate his goods for a certaine price, and for euer, as in buying and selling men alwayes doe: but hee doth alienate the propertie and vse of the onely for a time, and for that temporall alienation and vse, demandeth recompence and consideration. Therfore he buyeth and selleth not.

From selling, let vs passe on to exchanging: and let vs enquire if the vsurer exchangeth his goods. Exchanging is thus defined. ¶ *Permutatio est vnius rei certæ pro alterare certa vicaria præstatio.* Exchanging is the yeelding of one certaine thing, in the stead, or in the rome of an other certaine thing. As thus: A man exchangeth his coate for an other mans cloake, or ten combes of Rye for eight combes of Wheate: or one howse for an other, or one piece of land for an other, &c. And this doth manifestly differ from lending. For in lending I loke for mine owne againe: in exchanging, I loke for some other thing in lue of mine owne. In lending, I loke that *Eadem res reddatur in specie.* The same thing which I lent, should bee rendered againe in the owne kinde. As money for money, wares for wares, corne for corne, &c. In exchanging, it is not necessarie that the recompence be of the same kind: for a man may exchāge howse for land, corne for cattel, golde for siluer, &c. Now then, it is manifest that the vsurer in putting forth of his gōdes, exchangeth them not. For hee doth not couenant to take one certaine thing, in the steade of an other certaine thing: as money or wares in the steade of his money or wares: but hee couenanteth to haue

¶ *Summa. Angel. de Clauas. tit. permutatio.*

Mutuating and Accommodating how they differ.

haue his money againe, & an other certaine thing for ỹ vse of his money; his wares againe, and an other certaine thing for the vse of his wares. The vsurer therefore exchangeth not.

From exchanging, I proceede to accommodating: a kind of contract, whereunto the scarsitie of our english tongue yeldeth no proper nor peculiar name. The Latines haue two kindes of lending, *Mutuatio*, and *Accommodatio*: we for distinctions sake, must call them (though somewhat barbarously) mutuating, and accommodating. And these two kindes of lending, do differ very apparantly in two materiall pointes. For first, in that kind of lending, which they call *Mutuatio*, & which I haue before defined: [x] there is a transferring of the propertie and dominion of the thing which is lent, from the lender to the borrower. As for example: I lend a man money, or corne, or wares: I make them in lending to become his owne, so as hee may doe with them what himselfe liketh: hee may exchange them, he may sell them, hee may giue them away, yea (if he list) he may cast them away: for they are his proper owne. And therefore it is called [y] *Mutuum, quod de meo fit tuum*: as a man would say, Mine thine, or mine, by this lending I make thine. But in that kind of lending, which is called *Accommodatio*, or accommodating: it is far otherwise. For there is onely a transferring of the vse (not of the propertie) to the borrower: and therefore he cannot euery way vse the thing borrowed as his owne. As for example: I lend a man my horse: he shall not by vertue of my lending, doe with him what he will, as with his owne: he shall not kill him, he shall not giue him away, hee shall not sell him away, hee shall not exchange him away. And why? the horse is none of his. And why that? I did not make him by this kinde of lending owner of my horse

x *L. 2. § Appellata. & §. Si creditum ff. Si certum petatur. §. 1. Iustit. Quibus mod. re cont.*

y *D. L. 2. §. Appellata.*

Mutuating and accommodating, how they differ.

horſe, nor transferre the propertie or dominion vnto him: but I yelded vnto him onely the vſe and benefite of my horſe. And therefore hee ſhall ride him, hee ſhall labour him, he ſhall implope him in drawing, in carriage and ſuch like: but he ſhall not doe with my horſe whatſoeuer himſelfe liſteth, becauſe by this kinde of lending I haue transferred onely the vſe and not the propertie of my goods. Secondly, mutuating and accommodating doe differ in this: [2] *Datur aliquid in mutuatione, non vt reddatur idem, ſed ſimile aut æquipollens:* A thing is mutuated, not with condition that the very ſame thing ſhall be repayed againe, but the like, or the equiualent. As for example: I lend tenne poundes, not with purpoſe or condition to receiue the very ſame coyne, and the ſame pieces againe, but with condition to receiue other tenpounde: bee it in golde, when that which I lent was ſiluer, or bee it in teſters, when that which I lent was in ſhillings, it is not materiall: I haue the like, or that which is equiualent to mine owne, and that is all which I expected, or couenanted for in mutuating. But now, it is farre other wiſe in accommodating. For, [a] *Commodatio eſt, cùm quod ad vſum, vel viſus alicuius rei conceditur alicui ad certum tempus, ita vt ſine pretio idem indiuiduum reddatur integrum, & incorruptum:* Accommodating is, when the vſe of a thing is graunted to a man for a certaine time, with condition that without price, or recompence, the ſelfe ſame particular which was lent, ſhall bee repaied againe ſounde, and not impaired. As for example, I lende a man my horſe, not with condition that he ſhall ſend me home againe as much money as my horſe is worth, or a cowe for my horſe, or any other horſe for mine: but he ſhall deliuer mee againe the ſame horſe which I lent him. So that (as I ſaid) theſe two kindes of lending, which for diſtinctions ſake we call mutuating, and accommodating,

2 *Zach. Vrſinus Doct. Chriſt. part. 2. in præcept. 8. & L. 3. ff. Si cert. Petatur.*

a *Vrſinus Ibid.*

The Vsurer accommodateth not.

commodating, doe differ in these two poyntes. First, in the one there is an alienation both of the vse and propertie: in the other, onely of the vse, and not of the propertie. Secondly, in the one it is sufficient to repay the like, or the equivalent to that which was borrowed: in the other it is required that the same particular, and none els, be restored againe vnto the lender. Now, by this which hath beene spoke, it may appeare, that the vsurer doth not accommodate his goodes, or practise that kinde of lending which we call accommodation. For first, hee giueth the borrower interest in the propertie of his goodes: else the borrower might not doo with them what himselfe liked. Secondly, he requireth not againe the selfesame particular which he lent, but the like or the worth onely: none of both which are done in the contract of accommodatiō. The vsurer therefore accommodateth not.

There bee diuerse other kindes of contractes. As *Depositum*, *Pignus*, *Stipulatio*, *Fidemissio*, *Emphyteusis*, *Societas*, *Mandatum*, with the rest. But because the committing of vsurie doth hardly fal into some of these, and rarely into others: therefore for breuities sake I haue thought good to ouerpasse them in this treatise. The reasons why I haue made mention of those before rehearsed are these. Namely, that wee might see, 1. what lending is. 2. How it differeth from other contracts. 3. That this Outward, Open, and Actuall vsurie, of which yet wee speake, is committed onely in the bargaine of lending. For the vsurer giueth not, hee letteth not, hee selleth not, hee exchangeth not, hee accommodateth not, &c. Therefore he lendeth onely: and vsurie is onely in the contract of lending: and so consequently, vsurie is a lending, which is the first point contained in the definition thereof.

b *Sebeccius Instit. Christ. rel. part. 2. pag. 614.*

Now before I proceed to the handling of the second

Things consisting in number, waight, &c. are the onely obiect of Vsurie.

particular, it is very requisite that wee obserue two necessarie consequences or inferences, arising from that which hath béene alreadie deliuered, concerning this point of lending. The first is this. We haue heard that lending or mutuation is such a contract, as together with the vse doth trãsferre the dominion and propertie of the thing vnto the borrower. From whence must necessarily followe, that *Obiectum mutui*, The thinges subiecte to this kinde of lending, must bée onely such as whose vse and propertie cannot be seuered: so as a man cannot yéeld another the vse of them, but hee must also yéeld the propertie: and he cannot yéelde the propertie, but hee must also yéelde the vse. Of which nature and condition are only such things as consist & passe from man to man by * 1. number, 2. waight, 3. and measure: & therefore in thinges of those kinds onely, (and in none other) can vsurie bee committed. c *Nota quod non potest committi vsura, nisi in his rebus tantum, circa quas contingit fieri mutuum: scilicet quæ consistunt in numero, pondere, & mensura.* Note (saith one) that vsurie cannot bee committed, but onely in such thinges which are subiect to ỳ kinde of lending which we call mutuation: that is to say, in such things as consist in number, waight, and measure. In number, as money. In waight, as leade. In measure, as corne, & such like commodities: these are the thinges that can onely be lent, and taken vpon vsurie. For vsurie is only in that kind of lending: and such thinges onely as consist in number, waight, and measure, are subiecte to that kinde of lending; and therefore onely in such thinges can vsurie be committed.

* *L. 7. §. 1 ff. Si cert. pet. at.*

c *G. Biel in 4. Sent. Dist. 15. Quæst. 3 art. 3. d.*

The second inference arising from the premises is this. Vsurie is in lending, and therefore may bee committed in any thing which is subiecte to lending: that is in any thing which consisteth in number, waight, and

mea-

Vsurie is not onely gaining by money.

measure. And this is the rather to be obserued, because ttis a receiued opinio among the vulgar sort, ỹ vsurie is committed onely in the putting forth and taking vp of money. Whereas Hemingius sayd truly, [d] *In omni rerum mutuatione vsura dicitur.* Vsurie is sayd to be committed, (and may bee committed) in the mutuating or lending of any thing. And this the very wordes of the text doe make plaine in the scriptures: [e] Thou shalt not (sayth Moses in Deut.) *giue to vsurie to thy brother, as vsurie of money, vsury of meate, vsurie of any thing that is put to vsury.* And againin Leuiticus: [f] *Thou shalt not giue him thy money to vsury, nor lende him thy victuals to increase.* So that, there is not onely vsurie of money, but also vsurie of meate and victuals, yea of many other thinges which are put forth, and may be put forth to vsurie, as hath beene before cryetted. S. Hieronie sayth thus, [g] *Putant quidam, vsuram tantum esse in pecunia.* Some are of this minde, that vsurie is onely committed in money. *Quod prouidens Scriptura, omni rei aufert superabundantiam: vt plus non recipias quàm dedisti:* Which the scripture foreseeing, or preuenting, taketh away increase in euery thing: that in nothing maiest thou receiue more then thou hast deliuered. And an other sayth: [h] *Foenus est, quod Graecè τοκος dicitur.* Vsurie is that which the Grecians call ouerplus or increase. *Vt quando quis dat vinum, vel frumentum, vel oleum, vel aliquid aliud, vt in eodem genere plus quàm dederit, accipiat:* As for example (sayth he) when a man deliuereth forth wine, or corne, or oyle, or any thing else, that hee may receiue in the same kind more then he deliuered. Therefore sayth M. Calume [i] that most learned and excellent man, (as Lauater rightly calleth him:) [k] It is but a mockerie, if I shall say, as for me I haue not taken any profite by vsurie for my money: but I haue taken for my corne, or for my wine, and that was giuen vnto me for recompence. For

d *Heming. com. in Iac. 5. & Conc. Agathens.*

e *Deut. 23. 19.*

f *Leuit. 25. 27.*

g *Hierom. com. in Ezech. 18.*

h *Balsam. annot. in epist. Gregor. Nisseni ad Latoeum Mitelenes Episcopum can. 6*

i *Lauat. com. in lib. Iosh. in epist. ad Episc. Winton.*

k *Caluin serm. 134. in Deut. 23.*

Vsurie is lending for gaine. Free lending commanded.

if thou lend any thing and takest increase for it, thou committest vsurie: in as much as vsurie may bee committed in all such thinges as passe from one man to another in this kinde of lending. So that (to conclude this first poynt at length) by that which hath been spoken concerning lending, it may evidently appeare: First, that in vsurie there must be lending of necessitie, because it is committed in no other kinde of contract. Secondly, that vsurie is only committed in such things as consist in number, waight, and measure: for they only are subiect to that kinde of lending. Thirdly, that vsurie may be committed not only in the lending of money, but also in the lending of many other things: as that for the reasons which haue been before rehearsed.

The second thing to bee obserued in this kind of vsurie, is, that there be lending for gaine. For if a man lend ten poundes, onely to receiue ten pounds againe, and no more: or if he lend ten combes of corne, onely to receiue the same measure againe, and no more: this lending cannot any way be called vsurie, because he taketh no gaine, nor increase, for that which hee hath deliuered. Neither may any man dare to condemne such kinde of lending for vnlawfull: nay it is that which God often commaundeth, and requireth in the scriptures. Christ sayth in the Gospell, l *Lend, looking for nothing againe.* And in an other place: m *From him that would borrowe turne not away*: and many such speeches to like purpose. And as God hath commaunded it, so godly men haue alwaies practised it: n *A good man is mercifull and lendeth*, sayth the Psalmist. And S. Ambrose sayth of Tobias, o *Quod commodauit pecuniam, & non fœnerauit, iusti seruauit officium.* In that he lent freely and not vpon vsurie, hee performed the dutie of a iust and righteous man. And Iustinus Martyr pleading for

l *Luc.*6 35.

m *Math.*5.42.

n *Psal.*112.5.

o *Ambros. lib. de Tobia.ca.2.*

the

Vsurie lendeth for gaine. What is gaine.

the Christians, and iustifying their godlie conuersation, saith, p That they did so farre performe duties of humanitie, as they loued not onely their friendes, but euen their enemies also. *Et mutuò damus ijs à quibus nos nihil recepturos esse speramus*: and wee lende (saith hee) to them of whome wee hope not to receiue any thing againe. And certainelie that free lending in these dayes is so scante, and that all lending is almost turned into vsurie, is no small argument that true Christians, righteous & mercifull men, begin to growe rare & geason in the world. But to returne to the purpose. It is certaine that vsurie is such a lending as carrieth with it gaine and increase: for therefore are vsurie and increase so often vnited and combined in the scriptures. We must therefore inquire what gaine and gaining meaneth: that so we may yet further see into the nature of vsurie. The Schoolemen saith, r *Est lucrum, incrementum pecunia, vel pecunia mensurabile*: Gaine is the increase of money, or of that which can bee measured and valued by money. For vnlesse there be an increase by the vse of a thing, ouer and besides the returne of the principall it selfe, yea besides the expenses which the putting forth of the principall carieth with it: it is no gaine. s *Lucrum non dicitur nisi deductis expensis*: A man is not saide to gaine, vntill hee haue deducted his expenses, and then some ouerplus remaine and abide vnto him. So that, if after a man haue lent, and all charges bee defrayed which his lending caused with it, then he receiue, or couenant to receiue, any money or monies worth more then his owne, this is gaine or increase.

p *Iustin. Martyr. orat. Anthenagoræ pro Christianis.*

q *Leuit.* 25 37. *Ezech.* 18. 8. 13.

r *G. Biel in quartum Sent. Dist.* 15. *Quæst.* 11 *art.* 1. *n.*

s *Summa Angelica tit. lucrum & glo. in l. mutuis. ff. pro socio.*

Here then arise two things to be considered of vs. First, sith vsurie is onely lending for gaine, and gaine is onely that increase which is money or monies worth: therefore it followeth, that if a man lend not to gaine, either money or any thing that may be valued

Vsurie is gaine onely of money or monyes worth.

by money, he cannot be saide to lende for vsurie. As for example: a man may lend to gaine the fauour of God, who requireth lending, and hath promised to rewarde it: now the fauour of God, & his rewarde, are things which cannot be valued with money. A man may lend to giue good example: now the benefite of good example, cannot be valued with money. A man may lend to purchase the loue and liking of another: now loue is a thing that cannot bee valued with money. And therefore though he that lendeth to any of these endes gaineth exceedinglie, if hee obtaine that which he aymeth at: yet therein he committeth no vsurie, because he gaineth neither money nor any thing that can bee prized for money. Againe, I may lend so to requite the kindenes which I haue receiued from another man. This is not vsurie: for it is not lending for gaine: because I doe not thereby increase mine owne, but as it were exchange a benefite, or rather make a requitall and repayment of a benefite. Yea, I goe further: a man may lende to saue his owne, and yet not commit vsurie: because he lendeth not for gaine or increase. As for example: one oweth me alreadie tenne poundes, and yet he commeth to me to borrowe fiue poundes more. I consider that the debte is desperate, and therefore make him this answer, that if he will put me in good securitie to pay at such a time the ten poundes, which alreadie he oweth me, and together with that, the fiue poundes which now hee requireth, I am content to satisfie his demaunde, [t] *Non committo vsuram:* Herein I committe no vsurie. And why? *Quia illa decem quæ recipio, non veniunt nomine lucri, quia aliàs mea sunt & mihi debita.* Because the tenne poundes which I receiue, with the fiue poundes that last I lent, come not in as gaine or increase: for they were mine and due to mee before. Againe, put the case I heare that to morrowe one is purposed

[t] *Gabriel. Biel. in quartum sententiarum dist. 15. quæst. 11. art. 1. d.*

Vſurie is not onely in money.

purpoſed to come to borrowe money of mee, who I knowe is hardly able to paye againe: and whome therefore I am loath to truſt. To defeate him I lende away my money this day vnto another: that when he commeth I may anſwer in trueth that I haue no money by me to lend him. I may perhaps herein not bée ſo charitable as I ſhould: but it is euident that I commit no vſurie. For I did not lend away my money to gaine more then mine owne, but onely to ſaue that which was mine owne, and to keepe it out of danger. Now if I lend not to gaine, I cannot come within the compaſſe of vſurie.

A ſecond thing ariſing to bee obſerued from that which hath béen ſpoken concerning gaine and increaſe is this. Vſurie is lending for gaine, and gaine is either money or monies worth: and therefore, hee that lendeth, to gaine by lending, any thing that is money or monies worth, that man committeth vſurie. Therefore are they much deceiued which thinke that they commit not vſurie, vnleſſe for their money lending, they receiue théere money againe. u *Et eſca vſura eſt, & veſtis vſura eſt, & quodcunque ſortí accedit vſura eſt:* If thou take victuals (ſaith Ambroſe) that is vſurie: if thou take apparrell, that is vſurie: and whatſoeuer is aboue the principall, that is vſurie. *Quod velis ei nomen impónas, vſura eſt:* call it what thou wilt, or name it what thou wilt, it is vſurie. Saint Hierome alſo is of the ſame opinion. x *Alij pro pecunia fœnerata ſolent munuſcula accipere diuerſi generis:* there be ſome (ſaith he) who for the money that they haue lent, are wont to receiue giftes, or rewardes of another kinde. *Et non intelligunt vſuram appellari, & ſuperabundantiam, quicquid illud eſt, ſi ab eo quod dederint, plus accipiant:* and they vnderſtand not that all whatſoeuer it bee, is called vſurie and increaſe, if they receiue any thing more then that which they deliuered.

u *Ambroſ. lib. de Tobia. cap.* 14.

x *Hierom. com. in Ezech.* 18.

And

Lending for any thing worth money, is vsurie.

And therefore in these cases which followe, and in the like to these, is vsurie manifestlie committed. I borrow fortie poundes for a yeare, I promise to the lender, that for the vse of his money I will bestowe a gowne cloth vpon his wife, or a nagge vpon himselfe, or a peece of plate vpon one of his children: hee that lendeth in these or the like considerations committeth vsurie. Againe, I knowe a man that is in speciall favour with the L. Keeper, the L. Chiefe Iustice, the L. Chiefe Barron, or some such like great personage in authority: I will lende him a péece of money, and for the vse of it hee shall doe no more but procure me an office in the Chauncerie, in the Kinges bench, in the Exchequer, or some other place: that man that so lendeth, and to such purpose, committeth vsurie. Againe, a Lorde of a manner hath diverse poore Tennants that want money, and come to him to borrow. He demaundeth what occupations they are of: the one answereth hee is a daye labourer. I will (saith he) lend you thus much money, and for the vse of it, you shall helpe mee so many dayes in harvest. Another answereth, hee is a husbandman, I will (saith hee) lende you thus much money, and for the vse of it, you shall till me thus many acres of land. This man (together with the rest before specified) committeth vsurie: for hee lendeth for gaine, and although hee requireth no money for increase, yet hee requireth that which is monyes worth, and the worth whereof may be valued and prized for money. So that as touching this second poynte of lending for gaine, there are these three things to bee considered. First, lending for gaine is lending for increase of money or monies worth. Secondly, lending for any thing which is not money or monies worth, is not lending for gaine, and therefore no vsurie. Thirdly, the lending for the gaine of any thing which is money or monies worth,

The vsurer couenanteth. Couenanting, what-

worth, is within the compasse of Outward, open, and actuall vsurie.

The third point obserued in the definition of vsurie, is couenanting & compacting. For this kinde of vsurie doth not onely lende for gaine, but also maketh composition and agréement for gaine. The scripture sayth, y *Ne imponetis ei vsuram*: Thou shalt not impose vsurie vpon him: for so both Pagnine and Tremellius translate it: and the Greeke hath ἐκτοκισμὸν: and z Vatablus obserueth that it is *verbatim* from the Hebrue, *Nõ ponetis super eum*: Thou shalt not put vsurie vpon him. Now vsurie cannot bee imposed or put vpon a man without couenant or compact. Besides that, diuers doe * define vsurie to be an increase or gaine arising by lending, *Debitum* or *Exactum*. Now gaine can neither bee due to the lender, nor exacted of the lender, vnlesse there haue some couenant or compact passed for it before. And therefore learned men speaking of these matters, doe call them a *Fœneratoria pactiones*, or b *Contractus vsurarij*: Vsurarious couenants or contracts. There is then in this kinde of vsurie, couenanting or contracting for gaine.

y *Exod.*22.25.

z *Vatab. annot. in Exod.* 22.25.

* *Alberic. in L. iubemus. C. de sacrosanc. Eccles.*

Now what it is to couenant, I shall not néede to stand long to declare. One sayd truely, c *Quid fœdus sit & pactum, notius est quàm vt sit annotandum*: What a couenant, or bargaine, or compact meaneth, is so well knowne that it neede not bee described. The Grecians call couenantes, συνθήκας d καὶ τὸ συναλλάττειν, for the commutation, exchange, or reciprocall passion, and sympathie or agréement, which is betwéene them that couenant together. And therefore the lawyers doe thus define a couenant: e *Pactum est quod inter aliquos conuenit*: A bargaine is that whereof diuers doe agree: Or thus: f *Pactum est duorum pluriumue in idem placitum,*

a *Beza annot. in Luc.*6.35.

b *Selneccer. instit. Christ. rel. part.*2.*p.*616.

c *Wolf. Musc. loc. com. tit. de fœd. & testam. Dei.*

d *Selneccer. instit. Christ. rel. part.*2.*p.*610.

e *In leg.*1 *ff. de pactis.*

f *Polyanth. tit. pactum.*

A couenant, what. Couenanting by silence.

seu consensus. A couenant is the agreement or consent of two or moe, about the same thing. And therefore where as there is an agreement and consent betweene the lender demaunding, and the borrower promising increase: there is this couenanting, or compacting for gaine. Now this consent, and so consequently this couenanting may passe betweene man and man, by diuers meanes and wayes. For first, there is *Pactum tacitum*; A secret kinde of couenanting, whereas an agreement and consent is by necessarie or probable consequence intended, or collected, although it bee by no meanes expressed and manifested vnto others. For a man may couenant, and consent by silence. As for example: * The parentes of two children bee in their presence and hearing, intreate and conclude of a marriage, to bee contracted and solemnized betweene those their children. The children standing by, heare the conference and conclusion of their parentes: but doe neither demand any thing, nor answer any thing, nor obiect any thing, nor replie any thing, nor affirme any thing, nor deny any thing that is spoken. In this case is intended the consent of the children to the conclusion of the parentes. And why? reason presupposeth, that if either partie had beene discontented with the match, they would by one meanes or other haue signified their dislike. In such cases as this, by like suppositions, it is growne into a prouerbe, *Qui tacet consentire videtur:* He that holdeth his peace, and replyeth not, seemeth to consent. And this may not bee thought strange of any, that a man should couenant by silence. For a man may answere by silence: g *Silentium sapientibus responsum est.* Silence is an answere to a wise man. A man may accuse by silence. Menander saide, h [illegible] By silence thou accusest more sharpely. A man may defende himselfe by silence: as did

* *Summa Angelica. tit. matrimonium.*

g *Plutarc. lib. de immodica verecundia.*

h *Polyanth. tit. Silentium.*

A man may couenant by ſilence.

did i Our Sauiour Chriſt when ſo many men laid ſo ma- i *Math.*27.12
ny thinges falſly to his charge. Now if a man may an-
ſwere by ſilence, if he may accuſe by ſilence, if hee may
defend himſelfe by ſilence: then may it eaſilie ap-
peare that a man may yéelde his conſent, and enter a
contract by ſilence. And therefore put the caſe that I
come to a mã to borrowe an hundred poundes: ye ſhal
haue it (ſaith he) but yee ſhall giue me ten poundes for
the yeares vſe of my money. I ſtand ſtill and anſwer
nothing to the contrary, but take my hundred poundes
and goe my waie. Here is intended *pactum tacitum*, a
ſecret conſenting or couenanting for vſurie. Againe,
put the caſe I come to a man to borrowe money, and
without any demaunde made on his parte, my ſelfe do
offer of mine owne accord to giue him vſurie. Hee go-
eth away, and ſaith nothing, but fetcheth the money,
and telleth it, and deliuereth it. Here is alſo *pactum ta-
citum*, a couert or ſecret couenanting for gaine, becauſe
by their ſilence, a mutual conſent and agrément is in-
tended howſoeuer no way expreſſed, or declared. And
I warrant you the vſurer will not forget to vrge it, if
the borrower be negligent in performing of his offer.
And this I thought good to note, leaſt men ſhould be o-
uertaken with a couenant in this kinde of vſurie, before
they be aware, and ſhould depart from the vſurer, fur-
ther tyed and intangled, then euer they ſuſpected.

But to proceéde. As there is a ſecret and intended
kinde of agreement, ſo is there alſo *Pactum expreſſum*,
A couenant reuealed or expreſſed: and that is alſo of
two ſortes: *Nudum, & veſtitum:* A bare, and an inue-
ſted couenant. A bare couenant, is a mans ſole promiſe,
by which hee witneſſeth or proteſteth his conſent to
that whereupon they are agréed. As for the purpoſe.
I will lend you ſo much money (ſayth the vſurer)
but I tell you withall, you ſhall giue mee intereſt for

A bare couenant. A couenant inuested.

the forbearing thereof. Contented sayth the borrower, that I will by Gods grace, and thanke you too. In this case they haue consented and couenanted by bare worde and promise, the one to take, the other to pay vsurie. And this is *Nudumpactum*, A bare or naked couenant. A couenant is inuested three manner of waies, viz. 1. *Re*. 2. *Verbis*. 3. *Literis*. By thinges: By wordes: By writinges. By thinges, as by a pawne. And therefore he which lendeth, and taketh any Reall pawne for the payment of vsurie, hee couenanteth and compacteth for vsurie. By wordes, as *Stipulatio*, and *Fideiussio*. And therefore he which lendeth, and taketh before witnes the borrowers solemne promise, for the payment of increase: or lendeth and taketh an other mans worde for the borrowers paiment of the increase: that man couenanteth and compacteth for vsurie. By writing: as by bill, or booke, or obligation. And therefore, hee that lendeth and taketh of the borrower a bill of his hand, or his hande to his booke, or his bande, or obligation for the payment of vsurie, that man doth couenant and contract for gaine. I do not take vpon mee curiously to enter into all kinds of contracts mentioned by Ciuilians: these onely haue I noted, as most vsuall and most incident to this case of vsurie: that both the borrower and lender may knowe, how that many waies they may in borrowing and lending giue consent and make compacte of gaining. The conclusion of this point is this: whosoeuer when hee lendeth, doth take the consent of the borrower for payment of increase, and doth take this consent of his, by pawne, by stipulation, by suerties, by his owne promise, by his bill, by his hand, by his obligation, yea by his secrete and intended consent: that man couenanteth for gaine, and is within the compasse of Outward, Open, and Actuall vsurie intended in this definition.

There

The Vſurers money called *Sors*. *Per ἀντίφρασιν.*

There is yet a fourth point to bee obſerued in this kind of vſurie: and that is, that the vſurer neuer hazardeth, nor aduentureth the goodes which hee lendeth forth. That which is lent forth they commonly call the principall: in latine they call it *Sors*: which is as much to ſay, as hazard, or chance, or lotte. [k] *Sortis dilatio vſuram parturit*, ſayth Hierome: The forbearing of the principall bringeth forth vſurie. And Eraſmus in his annotations vpon that place of Hierome ſayth thus: [l] *Sors eſt principalis pecunia quæ parit vſuram*: The lot is the principall money or goodes that begetteth vſurie. Now the vſurer neuer aduentureth or hazardeth the loſſe of his principall: for he wil haue all ſufficient ſecuritie for the repaiment and reſtoring of it backe againe to himſelfe. [m] *Nec tamen vſurarius iſte* (ſayth Luther) *Quicquam periculi vel in corpore, vel in bonis, animaduertit, in ſe recipit, aut patitur.* And yet will not the vſurer take vpon him any aduenture, or hazard, either in his bodie, or goodes. And therefore the name that vſurers giue to their principall, to call it *Sors*, which ſignifieth lot or chance: doth not otherwiſe agree to any thing which the vſurer lendeth, then κατ' ἀντίφρασιν (as wee ſay) that is, when men by ſpeaking one thing, will vnderſtande the cleane contrarie. As a mountaine is in latine called *Mons, à non mouendo*: Becauſe it moueth not. Or as a wood is called *Lucus, à non lucendo*: Becauſe it giueth no light: euen ſo, and not otherwiſe, may the vſurers money bee called *Sors, à non ſortiendo*: Becauſe hee hazardeth it not. Peter Martyr ſayth, [n] *Nihil aliud eſt ſortiri, quam aliquid agere, ex cuius euentu rem incognitam poſſimus deprehendere.* To caſt lottes (in which things are put vpon chance) is nothing elſe, but to doe ſome acte, by the euent whereof wee may finde out ſome thing which is hidden or vnknowne. According to which de-

k *Hieron. epiſt. ad Marcellam. tom. 3.*

l *Eraſm ſchol. ibi.*

m *Luther de taxand. vſura. tom 7.*

n *P. Martyr loc. com. claſ. 1. loc. 7. Sec. 3. Ex. 1. Sam. 10. 19.*

How the vsurers money may be called lot.

scription, the vsurer is farre enough from lotte or aduenturing. For he lendeth not, as desirous to knowe how the borrower shall spede, but as being assured afore hande what himselfe shall gaine: and hee lendeth not, as depending vpon the euent of the borrowers labour, but vpon the safetie and assurance of his owne securitie. Therefore, euen as there is in these dayes little vse of lottes themselues among men: so is there no right vse at all of the name of lotte among vsurers. Vnlesse perhaps some man will say that the vsurers goodes may bee called lotte, as S. Augustine sayde that Absalom was called his fathers peace. o *Ideo Absalom patris pax dicitur, quia pater habuit pacem quam ille non habuit.* Therefore is Absalom interpreted his fathers peace, because his father had that peace, which himselfe had not. In the like manner may that which the vsurer lendeth, be called *Sors*, lot, or hazard, or aduenture, because the borrower hath that hazard which the vsurer hath not. For it may be (and it often falleth out) that the borrower doth lose, but it is most certaine that the vsurer shall gaine. S. Ambrose doth notablie descante vpon this name of lotte and chance, which vsurers giue to their principall. p *Sortem dicit is quod debetur.* Ye call (saith he) that which is owing vnto you, lotte or chaunce. And not amisse. *Etenim, velut vrna ferali misera sors voluitur, perituri debitoris luenda supplicio:* For the lot is cast into the deadlie pot or barrel, which when it is drawne out, must proue the borrowers bane. *Et fortassis ideo sors, quia in euentu sunt patrimonia quæ sub hac arte volumtur:* Or perhaps (saith hee) therefore yee call it lot, or hazard, because the patrimonies or landes which are pawned or mortgaged vnder this arte of vsurie, are in hazard neuer to bee redeemed, and a greate chance is it if euer they be recouered. But as for the goods which the vsurer lendeth, it is farre against his will,

o *Augustin. com. in Psal. 3.*

p *Ambros. lib. de Tobia cap 4*

The vsurer pretendeth aduenturing.

will, if they be any way aduentered. And yet M. Bucer (a man whome they are wont to alleage in their defense) saith plainelie that we muste not lend to our brethren that nede q *Certa restitutionis spe*, Without a certaine hope of restitution, much lesse then with all securitie and assurance, not onely of the principall, but also of the increase. q *Bucer. com. in mat. 5.*

But I am not ignorant what the vsurer will replie in this behalfe. Why sir (will hee say) whensoeuer, or howsoeuer, or to whomsoeuer I lende, it is euident that I hazard and aduenture my goods. For, say that I take the borrowers bande or bill, or pawne, or suerties, or promise for mine owne securitie: yet it may come to passe, that hee and his suerties may proue banckroute, his and their goods may by some offence bee confiscated and forfeited to the crowne, hee or they may flee the countrie, or keepe the house, that they are not to be gotten: nay euidences may bee stolne, lost, brent, caught out of my hand by couſenage, &c. a thousand waies are there, by which notwithstanding mine assurance, I may be defeated of mine owne. And therfore it is euident that I aduenture my goods. Now to this obiection of theirs, I answer two manner of waies. First I say, that in this sorte and this respect, euery man aduenturech his goods, euen hee that hath sufficient pawne in hand, yea euen he that keepeth his money fast lockt in his cofers: for they may be burnt, or stollen, or by couſenage conueyed away. All the goods of this life are of this nature r *The rust and moth may corrupt them, theeues may breake through and steale them away.* And yet I trowe no man will say that hee doth aduenture his money, who taketh for it sufficient pawne in hand, or who keepeth it by himselfe vnder locke and key in his owne closet. I put an example to make the cause plaine. Wee haue in England two sortes r *Mat. 6. 19.*

A double kinde of aduenturing. The vsurer aduentureth not.

sortes of Marchants, Marchant Aduenturers, and Marchant Retaylers. The Retayler cannot but hazard much, for he must trust often, sometimes for round summes, sometimes for a great while, sometimes vpon the borrowers bare worde, or hand to his booke, (which assurance no vsurer will take) and yet no man calleth him a Marchant Aduenturer, neither is hee assumed into their hall and companie. How much lesse then can an vsurer bee called an aduenturer of his goods, when hee will neither trust, nor lend for long time, nor but vpon all sufficient securitie? Secondly, to the plea of the vsurer touching the aduenturing of his goods, I answer in this sorte. There is aduenturing in a double respect, 1. First, *Quoad eventum.* 2. Secondly, *Quoad media.* A man may aduenture as touching the issue: and as touching the meanes. As touching the issue, it is confessed that the vsurer aduentureth: and no gramercie, for hee cannot possiblie doe otherwise. Because no man can see the ende of a thing when hee beginneth it, and because the ouerruling prouidence of God will worke when it pleaseth, sometimes beyond meanes, sometimes without meanes, sometimes contrarie to meanes: therefore is it, that no man can say assuredly what the issue of any thing will proue. But as touching the meanes, the vsurer worketh so sure, as hee cannot in any reason be saide to aduenture. As for example: it is said in the Actes of the Apostles, [Act. 12 4,5,6.] that Herod apprehended Peter, and cast him into prison, and deliuered him to foure quaternions of Souldiers, to bee kept, and bounde him with two prone cheynes, and set watch before the doore of the prison, and about Peters lodging, that he should not escape. The extraordinarie prouidence of God did (indeede) deliuer him: but will any wise man say that Herod when he had vsed all these meanes of safetie did aduenture Peters comming out?

The vsurer aduentureth not.

out? Euen so, when the vsurer hath bounde the borrower [t] with bandes and pawnes as it were with fetters (for so Plutarche speaketh:) and when hee hath tyed him as fast, and made him as sure, as his owne head can deuise, or lawes will permit: it may bee that one way or other, God by his secret prouidence may defeate him: but will any man say, that the vsurer aduentureth, or meaneth to aduenture, or thinketh that hee doth aduenture the principall? No assuredlie. For because he will not aduenture, he will neuer lend to vsurie to a man that is not very sufficient for to pay. [u] *Nemo fœneratur pauperi:* None will lend to vsurie to a poore man. Nay, he will not lende two yeares together to a rich man, but with new suerties, for feare (I trowe) that he, or they should be vndone in fewe yeares by vsurie: and so not being able to paye, the vsurer shoulde loose his aduantage. It is euident therefore that he aduentureth not the principall.

t *Plutarch lib. de non fœnerando.*

u *Ibidem.*

The conclusion of this whole sermon is thus much. We haue examined the foure poyntes concurring to vsurie. And from thence it appeareth, that whosoeuer hee bee, that so lendeth any thing, as the propertie is transferred to the borrower together with the vse: and dooth couenant with him that borroweth either by worde, or suertie, or bill, or bande, or pawne, or secret consent, or by any other kinde of bargaine: to receiue more then his owne againe, that is any thing which is either money or monies worth: and dooth not aduenture the estate and returne of that which hee lendeth: he is that Outward, Open, and Actuall vsurer, who is before defined, and whose practise we shall afterwardes shew to be condemned, not onely in this sentence of Salomon, but also in many other places of Scripture.

The ende of the second Sermon, preached Aprill 23. 1593.

The third Sermon: the ſpeciall contentes whereof are theſe.

1. Couert and cloaked vſurie is deſcribed, what it is, and how it ſeazeth vpon lawfull contractes.
2. Mentall vſurie is deſcribed, which conſiſteth in the ſole hope and expectation of gaine.
3. The Scriptures are alleadged which doe condemne vſurie.
4. Two reaſons are rendered why it is condemned in the Scriptures, viz. becauſe that
   1. It ouerthroweth lending.
   2. It ouerthroweth charitie.

2. Couert } Vſu-
Cloaked } rie.

HEtherto we haue handled onely that kinde of vſurie which (as Eraſmus phraſeth it) [a] *aperta facie eſt quod dicitur*, ſheweth it ſelfe with open face, or in the owne likenes. Now becauſe that [b] *Euery man that doth euill hateth the light*, and [c] vſurie is a note, *miſeri, dejecti, & inertis animi*, Of a miſerable, baſe, and abiect minde: therefore ſome to couer their ſinne, and to vpholde their credite, haue deuiſed faire cloakes to ſhrowde their ragged garments, and haue begotten a more cunning, and ſubtile kinde of trafficke in the world. One ſaid not vntruelie: [d] *Inter alios ſunt tredecim caſus quos in fraudem vſurarum*

a Eraſmus ſerm. in Pſal. 14. tom. 5.
b Ioh. 3. 20.
c Franciſc. Petrarcha de remedio vtriuſque fortunæ. lib. 1. dial. 56.
d Rainer. Pantheol. part. 2. tit. de vſuris. cap 7.

The cloakes of vsurie are infinite.

rarum malitia cupiditatis quotidie inuenit: there are among others thirteene cases or deuises, which the wickednes of couetuous men hath time after time, deuised to elude, or to couer the practise of vsurie. Now, it was well that he said, there were thirteene cases, *inter alios* among others: least hee should haue bounded so large a fielde, with two fraile an hedge. For there are thirteene hundred, yea thirteene thousand deuises, which men of euill conscience haue inuented to auoyde the shew and danger of vsurie. Nay, who can reckon them by thousands, when as Erasmus saith [c] *sunt innumera*: they are innumerable, as the starres in the skie, or the sand by the sea shoare, which cannot bee reckoned or measured for multitude? And they must needes be innumerable, because (as Bullinger saith) [f] *In dies exoriuntur noua*: They arise dailie spicke and span new, one in anothers necke. And although the lawes doe by expresse wordes, forbid all craftes and chemisances, and deuices made to such purpose: yet as Cornelius Tacitus reporteth of this euill in Rome, so may it be saide of our vsurers in England: [g] *Toties repressa, miras per artes rursum oriebantur*: Vsurers and their deceits, being often repressed by the lawes and statutes of this realme, are notwithstanding by wonderfull deuises, and subtilties risen vp againe.

[c] *Erasmus ser. in Psal. 14. tom. 5.*

[f] *Bullinger. Decad. 3. Serm. 1.*

[g] *Cornel. Tacitus Annalium. lib. 6.*

All which cloakes and subtilties, if I would goe about to discouer, I should attempt to treade an endles maze, and enter a labirinth, out of which Theseus himselfe were not able to reduce me. For as their shiftes are infinite on the one side, so are they exceeding subtile and craftie on the other. [h] *In vsurario est palliatio, & excusatio sui vitij multum fraudulentissima*: In the vsurer there is a cloaking and excusing of his defaulte to too fraudulent, and deceitefull. Like are common vsurers vnto the monster Hydra: for they haue many heades,

[h] *Antoninus Archiepisc Florent. tom 2. tit 1 cap. 6. §. 11.*

Vſurie a myſterie.

Vſurie variable.

that is, infinite deuiſes: and withall euery head is the head of a ſerpent: which ſerpent [i] *was more ſubtile* (ſaith the ſcripture) *then any beaſte of the fielde which the Lord God had made.* And therefore whereas it cannot bee rightly ſaide of vſurie, that it is an Arte, or Trade, or Occupation, or Science: to the ende that it may haue a name whereby to be knowne in lawe, I ſuppoſe that we may with M. Smith fitly call it a [k] myſterie. Such a myſterie, and ſuch an intricate practiſe it is, that as Iohn ſaith in the Reuelation, [l] Chriſt will giue a name to him that ouercommeth, *which no man knoweth ſaue he that receiueth it*: ſo may it be ſaide by alluſion of the vſurer (though he be not worthie to bee compared to ſo good a thing,) that he handleth artes, and practiſeth deuiſes, which no man can diſcerne, but hee that vſeth them: [m] *Non puto quenquam ſcire artes vſurarum, niſi ſolos eos qui in illius praxi indies verſantur*: I doe not thinke (ſaith Aretius,) that any man knoweth throughlie the artes of vſurie, but onely thoſe which are dailie conuerſant in the practiſe of the ſame. And therefore as it is impoſſible for a man to picture that ſame Empuſa, of whom it is ſaide in Ariſtophanes.

[n] μορμολυκεῖον γυνὴ ἡ γοργόν.

τοτὲ μὲν βοῦς, τοτὲ δ' ἄνδρ', ἔστι δ' οὐχμή.

She ſeemeth euery thing,

Now an oxe, now an aſſe, &c. Now one thing now another: euen ſo doe I ſuppoſe it to bee impoſſible in any perfection to deſcribe this variable and changeable, (I meane this cloaked and couert kinde of vſurie.) For ſometimes it ſeemeth to be buying, ſometimes ſelling, ſometimes letting, ſometimes pawning, ſometimes one thing, ſometimes another: alwaies being vſurie, and yet neuer plainely appearing to be vſurie.

How be it I muſt endeuour to deſcribe it: for I haue

i *Gen.* 3. 1.

k *M. Smith. ſerm.* 1. *Vpon Vſurie. fol.* 12.

l *Apoc.* 2. 17.

m *Aret. Prob. part.* 1. *loc.* 50. *de Vſuris.*

n *Ariſtophanes in Ranis. Natalis Comes muthol. lib.* 8. *cap.* 8.

Cloaked vsurie is described.

haue promised so much, and this argument doth exact it at my hand. Yet this must I protest in this houlde attempte, that I neither haue purpose to bee long, nor hope to accomplish any great explopte about it. For who coulde euer drawe a full and liuelie picture of Proteus that changeable sea God? Or what building can a man there erect and raise vp where the lande is so quicke, as hee can lay no foundation? Yet will I assay it: *Quid enim tentare nocebit?* That I may as it were at a backe windowe, let in some small glimmering light, which may giue occasion to others that are clearer of sight, and better at leasure to discerne more throughly into this intricate mysterie. And that which I doe, I will doe with this minde, not as taking delight in beholding the face, or drawing the picture of so misshapen a monster: no more then the Poets affected the qualities of those Furies which they raised from hell vnto the stage. But with that minde wherewithall the holy Ghost hath recorded vnto vs [o] the vnnaturalnes of Caine, [p] the crueltie of Lamech, [q] the couetousnesse of Nabal, [r] the furie of Saule, and such like wicked vices of vngodlie men: euen that their sinnes being displayed before our faces, they might bee the more loathsome to beholde, and so the more easilie anoyded.

[o] *Gen.*4.8.
[p] *Gen.*4.23.
[q] 1.*Sam.*25. 10.11.
[r] 1 *Sam.*16. 14.23.

The ground of this point, I derriue from that which I finde in Rainerius, Bromyard, [s] others of the schoolemen, who shew by diuers instances, how vsurie cloaketh it selfe vnder the pretence of buying and selling, of letting, of exchanging, &c. which are contractes approued by God, and by the practise of all good men. Therefore I doe thus define, this kinde *Palliatam vsuram*, This cloaked kind of vsurie. Couert vsurie, is lending for gaine, vnder the colour of some lawfull contracte.

Vſurie is often committed in buying and ſelling.

And indéede if we will thoroughly examine the thing, whereas there are diuers lawfull kindes of bargaining, (as hath béene before declared) wee ſhall finde that vſurie is often committed vnder pretence and colour of them all.

For firſt, in buying and ſelling men play the vſurers many wayes. As for example: [f] A man buyeth corne yet in the fielde, (it may bee in the blade) for fiue ſhillinges a coombe: and it is likely that in harueſt, it will be worth twelue, or thirteene ſhillings a coombe: [t] *Tunc vſuram facit*, Then that man committeth vſurie. Of which very kinde almoſt are a great number of maulſters, and others among vs, which doe buy barley afore hande for foure ſhillinges a coombe, and at the time of their deliuerie, it is worth fiue ſhillinges, or a noble: and ſo for forbearing their money, and laying it out aforehand, they gaine fiue ſhillinges in twelue, tenne ſhillings in the pound: farre aboue the rate that the lawe admitteth in vſurie. And no doubt vnleſſe this exception ſomewhat helpe them, [u] *Probabiliter dubitatur vtrum fructus illi plus vel minus valere debeant*: It is doubtfull, and vncertaine, whether at the time of the deliuerie the corne wilbe more or leſſe worth: vnleſſe I ſay this pointe will helpe them, that at the time of their buying, they are vncertaine whether the price of corne will riſe or fall, before the time of deliuery: it ſeemeth a thing apparant to mee that ſuch men come within the compaſſe of cloaked vſurie. Againe, I ſell wares, I giue thrée moneths day of payment, and for that I am to forbeare my money ſo long, I ſell aboue mine ordinarie price, and aboue a reaſonable gaine: herein (no queſtion) I commit vſurie. For I ſell the time, and make gaine of lending. A note very neceſſarie to bee obſerued of ſhoppe keepers, and occupiers: that they learne, not to diſgrace their honeſt trades of marchandiſe

[f] *Rainer. Pantheol. part 2. tit. de Vſura. cap. 7.*
[t] *Ibidem.*
[u] *Ibidem.*

Examples of vsurie in buying and selling.

marchandise, by putting vpon thē the dishonest cloake of vsurie. Againe, x a man commeth to me to borrow money: I answere I will lend him no money to vsury. But if he will buy a horse, or a gelding for ten pound, (which is scarse worth ten shillings) I wil lend him so much money, til such a time. So ỹ price which he payeth for the horse, more then he is worth, shall fully recompence the loane, and vsurie of the money. Such an vsurer my selfe once knew in the world (if happily his owne sonne doth reporte the truth of his father) who was supposed to haue many hundreds out to vsurie at once. All his olde hosen, and doublettes, and coates, when they were past his owne wearing, proued vnto him the richest part of his wardrobe. For a man could not borrow a hundred pounde, but he must buy of him an olde frise coate, or a cast doublet, or some such like princely robe: and the price of it was not commonly lesse thē twentie markes, or ten poundes, answerable to the loane of the money which he lent forth. Againe, I sell a commoditie for the price which the market now goeth at, with this condition, that if it bee more worth at the Easter, or Whitsontide following, I will haue more for it: but if it proue lesse worth, I will not haue my former price abated. y *Talem (inquit Hostiensis) indico vsurarium: cum ipsum in pactis claudicare video.* Such an one (sayth Hostiensis) I iudge to be an vsurer, because I see him to haule, and not to deale directly in bargaining. Againe, I come to a man, and desire him to lend mee an hundred pounde vpon vsurie. Hee answereth, he hath not so much readie money by him, but to doe mee a pleasure hee will lend mee a hundred poundes worth of plate to sell, and so to make money: the plate perhaps being hardly worth the money. I am no sooner gone out of the doore, but the vsurer prouideth a broaker to mete me, and to buy his plate of me

x *Io. Bromyard. Summa. pradicant. tit. de vsura.* 3

4

y *Rainer. Pan. Theol. part. 2. tit. Vsura. c. 7.* 5

againe.

Vsurie cloaked vnder pretence of letting.

againe. Nowe for readie money perhaps I sell the plate for foure score pound. The broaker carieth backe the plate to the owner, and from him bringeth foure score pounde in readie money to the borrower. The borrower must pay the lender an hundred pounde for his plate at the day appointed, and ten pounde for the vsurie in the meane season. So in fine, the poore man payeth loane after thirtie pound in the hundred, and yet must thinke himselfe befriended of the marchant. Thus and a thousand wayes more is vsurie committed vnder pretence and colour of buying and selling.

6 Vsurie is likewise cloaked, & commeth many times disguised in the forme and habite of letting. As thus: [2] I buy a Bullocke, or a Cow, of him that hath none to sell. And knowing that he hath none, I say to him, comming to borrow money: I doe here deliuer you so much money for such a beast. But now I will let you that beast for such a time, at this or that price. In this case (saith Bromyard) *Vt Deum decipiant pecuniam animal vocant:* That they may deceiue God, they terme their money by the name of a liuing creature: and they take loane for lending of money, vnder pretence of letting a beast. Againe, [a] one commeth to me to borrow money: I answere I will lende him no money, but cattell if hee please. Hee replyeth that hee hath no neede of cattell, but he must vse readie money. Why then (say I) take thus much money of me, buy with it thus many milch kine. At the yeres ende, yee shall giue mee thus much money for the hire of euery Cow, and ye shall therewith restore to me the kine themselues, in that forme in which I deliuer them vnto you: that is (to deale plainely) in so much readie money. Here seemeth to be hiring of kine in the borrower, and letting of kine in the lender, and yet at the yeres ende all proueth but thus much loane for the forbearing of so much money:

[2] *Bromyard Summa praedicant. tit. Vsura.*

[a] *Ibidem.*

and

Vsurie vnder pretence of selling. Vsurie vnder pretence of free lending.

and so it is vsurie vnder pretence of letting. Againe, 8
one commeth to me to borrow a hundred pound for seuen yeeres. I answere that hee shall haue it with this condition: hee shall hyre of mee a house and certaine land, at such a yerely rent, and hee shall take a lease of them for the space of seuen yeeres. The house and land perhaps are hardly worth ten pound a yeere, yet I couenant to receiue twentie pound a yere rent. So it commeth to passe, that the rent of the lease, payeth the loane of the money, euen tenne pound for the hundred, and vsurie is committed vnder pretexte of letting. 9
Or thus againe. A man commeth to mee to borrowe twentie pound. I answer, I cannot forbeare so much to lend him: but I haue twentie pound in olde golde, or faire golde, which I am loth to forgoe, or to haue it changed: and to doe him a pleasure I will lend him that, to lay to pawne to another, and to borrowe so much money vpon. But withall for my kindnes, he shall giue mee twentie shillings for hauing my money to lay to pawne to another. This is neither of the two kinds of lending: it is neither mutuating, nor accommodating. Mutuating it is not, for hee doth not transferre the dominion and propertie of his money to the borrower. Accommodating it is not, because his money goeth not free: therefore of necessitie it is letting, or vsurie, taken vnder pretence of letting.

As it is with letting, so it is also with lending: for vsurie is many times committed vnder pretence of free lending. As for example: [b] An occupier or shopkeeper will take all kind of gold that is brought vnto him for payment: as clipt Angels, light french Crownes, foulded Soueraignes, and such like. Prouided alwaies that he will not take them for payment, vnlesse hee haue recompence according to the want: for one fiue pence, for another a groate, for an an other twelue 1

b *Lauater comment. in Ezech. 18. homil. 76.*

Vsurie vnder pretence of free lending.

pence allowãce, or more or lesse. Now this light gold, or foulared golde, or clipt gold, will hee kéepe by him, and will lend it out frely to any man that desireth to borrow. All the recompence that he requireth, is no more then that which he lendeth out, viz. ten pounde for ten pound, twentie pound for twentie pound, that is, (as it séemeth) onely his owne againe. But when the day of payment commeth, where hee lent Angels that wanted fiue graines, and french crownes scarce worth fiue shillinges: hee will bee paide againe with good, lawfull, and currant english money. So in euery péece of gold which he lent, wil he gaine twelue pence, or fiue pence, or a groate, & yet séemeth to lend frely, & wont any consideration. Againe, I come to an vsurer to borrow ten pound for a yeare. He answereth, hee cannot so long forbeare his money: but to doe mee a pleasure he will lend me so much for a moneth. And he will lend it for so long *Gratis*, Freely: (hee meaneth indéede *Gratis* the Nowne, not *Gratis* the Aduerbe: *Gratis*, that is, *gratis hominibus*, To men which hee hopeth in their consideration and recompence will proue thankfull.) All that he will require, is a bande for the repayment of his owne againe. But hee knoweth well enough, that it is a hundred to one that he which commeth to borrow tenne pound for a yeare, shall not bée like notable to pay it againe within a moneth. Well yet this hee offereth frely, & the borrower being pent is glad to accept of any thing. Hee taketh the money, he entereth a band, the moneth is some expired. Hée cannot prouide the money so spédily, for want of returne, and therefore the band is forfeited. Then will the vsurer pay himselfe his loane with the forfeiture of the bãd, it may be thrise as much as the loane is worth: and yet make the poore borrower beléeue that hee doth much befriend him, in not taking the whole forfeiture:

consider-

Vsurie vnder shewe of exchange. vsurie in pawning.

considering that he byake day with him, who lent his money out of his purse freely, and without any consideration. Thus the poore man payeth thoroughly for his borrowing, and the vsurer is thorowly satisfied for his lending.

From lending let vs passe on to exchanging: & we shall see that many times vnder shew of exchange men commit vsurie. As for the purpose [c] I lend the value of a thousand florentines in siluer and I couenant to receiue for the a thousand florētines in gold: *Quid (vt fere fit) pluris æstimantur* (saith Erasmus) which are more worth then they go for in siluer. *Annon manifestè committit vsuram?* His opinion is, that such a mā doth manifestlie commit vsurie. Again, put the case that Angels go currant for an eleuen shillings in France, which are worth but ten shillings in England. I will lend a man a hundred Angels in England, vpon condition that he shall repay an hundred angels to my factour in France. In the one example there is but an exchange of coyne in an other kinde, in the other onely a commutation of place: yet in both, the lender taketh manifest increase for the forbearing of his money, and so committeth vsurie.

[c] *Erasmus concio in Psal. 14. tom. 5.*

The last which I will adde shalbe laying to pawne, because the other contractes which remaine vnspecified, are not so cōmonly nor easily abused to this euill. Now vnder pretence of laying to pawne, vsurie is commonly and too commonly committed. As in this example. I lend twentie pound for a yeare, & for assurance of mine owne, I take a pawne worth fortie markes: with a bill of sale, that if hee faile payment at the day appointed, his goods shall be mine. I know that at his time he is nothing like to pay it, and at his day he doth not pay it: for his default I seaze vpon his pawne, and take it to mine owne vse. So I gaine twentie nobles

Vsurie full of diuers shiftes,

for the lending of twentie pound, which is apparant to be extréeme and notorious vsurie.

No man must expect that I deliuer all the misteries of this secret knowledge. Had I an hundred tounges, or a marble memorie, or an infatigable industry, I could no more vtter, or record, or finde out, the innumerable deuices which vsurers haue to oppresse the poore: then he in the Poet [d] could vtter the punishmēts of hell where with the wicked were tormented of the Furies. Hesiode describing in the person of Periclimenus the nature of a couetous craftie man, who vsed all sleightes to enriche himselfe, and to beguile the poore (for so [e] Natalis Comes doth expounde him,) hee saith, that sometimes he was like a fowle, sometimes like a Bée, sometimes like an ante, sometimes like a serpent: yea he addeth

[d] Virgil. AEnead. 6.

[e] Natal. Comes. muthol. lib. 8. cap. 8.

———— εἶχε δὲ δῶρα
παντοῖ, οὐκ ὀνομαστά.

So many shapes hee had, as no man can expresse. So may we say of vsurers: sometimes they appeare in one shape, sometimes in another, sometimes they take one course, sometimes another: yea they haue many a quillitie, and many a subtiltie, which no writer that hath not béen bounde twise seuen yeares prentise to the trade, is able to disclose. To ende this poynte therefore, and to procéede to that which remaineth: Homer thus describeth Dolon the Troyā, namely that he was [f]

[f] Homer. Iliad. 10.

Vir locuples auri atque æris, sed prorsus inpeta
Deformis facie, verum pernicibus aptus
Et volucer pedibus, curusque inuictus anhelo.

So Helius Eobanus translateth it from the Greeke.

A man very rich and swift of foote, but very deformed and euill fauoured. The seruice which he did was in ye night. His armour was an helmet of a goates skinne vpon his heade, and a breastplate of woolues skinne

vpon

Vsurers cunning. Mental vsurie.

vpō his body. His weapons were a bowe at his back, and a dart in his hand, and so he marcheth on to destroy the Græcian armie. Nowe surely such men are these same *Dolosi Dolones*, these subtill and craftie vsurers: rich in their purses, deformed in their conditions: swift to lend for aduantage, more swift to take for any thing: so nimble, as no man can goe beyond them. They neuer practise but couertly, as it were in the darke. And no marueile, for their whole trade is the worke of darkenes. Amongus are they as goates in their woordes, but blodie and cruell as wolues in their heartes: and with their deuices doe they shote, and dart through the poore and needie people. Happy were the common weale, if they were serued like Dolon: namely, if some wise Vlisses would make search after them, and some valiant Diomedes would smite them to the earth, and strip them of their goods. So should the Græcian armie abide vnbetrayed: that is, (as I nowe expound it) so should the communalty liue vnprobed, and vnspoyled of their wealth: yea so should the poore reioyce, and those that are needie should be glad.

THus far haue I spoken of that kind of vsurie, which is committed in facte, and betrayeth it selfe to the woorld by some outwarde action. Nowe it remaineth, that we intreate of that kind, which lurketh secretly in the heart, as it were a serpent in the bosome. We know that the lawes of God doe, as in other respects, so namely in this particular, differ and dissent from the lawes of earthly princes. Mens lawes can only restraine the outward deedes, committed by the members of the bodie: but the lawes of God restraine the euillthoughts, and conceipts, and intentions of the heart. Therefore the Psalmist said: g *The lawe of the Lord is perfect, conuerting the soule:* (or as Tremelius reads) 3. *Mental vsurie.* g *Psal.* 19.7.

Gods lawe restraineth the intendement of euill.

deth it) *Restituens animam*, Restoring, or making vp againe, the decayed breaches of the soule. Now it could not restore the soule, if it could not worke vpon it: and it could not worke vpon it to restauration, vnlesse as a skilfull Chirurgion, it could search, and launch all the festered, and corrupted corners of the same. The lawe of God condemneth him for a murtherer, not only which in deede runneth his neighbour through, but him also which hath the same purpose and intendment. And therefore was Saul a murtherer, [h] in casting his launcelig at Dauid, with a purpose to naple him to the wall: though Dauid by Gods prouidence auoyded the blowe, and escaped safe out of his presence. Againe, the lawe of God condemneth him for an Adulterer, not onely who actuallie hath had vnlawfull copulation with a woman, but also him that doth intend and purpose it, yea who doth [i] but lust after a woman in his hart. Whereof Salomon censureth him [k] for a child, & a fole, that in the twie light walketh in the stretes, and haunteth the harlots houle, though as then he can haue but a purpose and intendment, to comitte vncleannes. So is it also with the law of theft. He is not onely a robber that taketh away another mãs goods with his handes, but hee also that intendeth that iniurie to his neighbour. Yea, if we will beleeue S. Auguſtine, there is so much power and vertue, in the intẽtion and purpose wherewith a man goeth about the doing of a thing, that if it be good the action is good, if it be euill, the action is euill also. For thus he writeth speaking to the Manichees [l] *Quod quæro à vobis quo fine faciatis?* I demand of you (saith he) to what end ye abstaine from eating of flesh, and drinking of wine? *Finis enim quo referuntur ea quæ facimus, id est, propter quem faciamus quicquid facimus, si non solum inculpabilis sed etiam laudabilis fuerit, multa homines etiam facta nostra laude aliqua digna sunt.*

h 1. *Sam.* 18. 11

i *Matth.* 5. 28.

k *Pro.* 7. 7. 8. 9.

l *Auguſt. de moribus Manichæorum lib.* 2. *cap.* 13. *tom.* 1.

Mental vsurie, what it is.

sunt. For the ende whereunto those thinges are referred which we do, that is, for which or in cõsideration whereof we do whatsoeuer we do, if that be not onlie not to be blamed, but also be good and commendable, then are the thinges which we doe worthie of some praise and commendation. *Sin ille iure meritòque culpatur quem spectamus & intuemur, cùm in aliquo versamur officio, id quoque officium nemo improbandum vituperandumque dubitauerit.* But if the ende which we respect and aime at, when we performe any dutie, be rightlie and worthelie to be blamed, thẽ no man may doubt but that dutie or worke is also to be condemned. I am not now to dispute, how soundly all this is deliuered of S. Augustine: this I am sure may soundly be gathered from him, and affirmed with him, that there is so much vigor & power in our intentions, as that where those be euill, there the actions themselues cãnot be approued, no not though the thinges which are done be good, lawfull, and necessary in their owne nature.

Now, this is that which I would haue to be obserued concerning vsurie: namely that not only to couenant, and to compact for increase, but also to lend with Intent, and purpose, and hope, to receiue increase, that is euill & condemned by the word of God. This kinde [m] learned writers are wont to call, *Mentalis vsura*, vsurie of the minde or vsurie committed in the intention of the minde. One saith to this purpose, [n] *Committitur vsura mentalis sine pacto, quando quis mutuat cum spe habẽdi aliquid pecunia appreciabile supra sortem.* Mental vsurie is committed without couenant, when a man lendeth with hope of receiuing somewhat that is moneys worth, aboue or besides the principall. And Gratian saith [o] *Non solum quodcũque lucrum, fœderiam ipsa spes facit hominem vsurarium, sicut spes facit hominem Simoniacum:* not onlie euerie gaine in lending, but also the very hope of gaine, maketh

m *Io. Molan. comp. theol. pract. tract. 2. cap. 26. consil. 2. sec. 8.*

n *Barthol Fumus Auriæ Armil tit. Vsura. sec. 57.*

o *Gratian. de cret. part. 2. caus. 14. Quæst 3.*

Sole expectation of gaine maketh an vsurer.

maketh a man an vsurer: as for a Patron to hope for gaine of the Clarke which he presenteth, maketh him a Simoniste, or a committer of Simony. All the Schoole men and Canonistes, as Rainerus, Gamfredus, Hostiensis, Alexander de Ales, Gabriel Biel, and the rest do agree with one consent, and mutual harmonie in this point: namely that the only intent, & sole expectation of gaine in lending, maketh a man an vsurer. And one of those giueth this reason of his iudgement. Salomon sayth in the Prouerbes, p *The Lord ponndereth the spirites*. Now, q *Spirituum, id est, voluntatum*: he is the ponderer of the spirits, that is, of the wils, purposes, and intents of men. And not much amisse is that place so expounded. For Salomōs meaning there is to shew, that the Lord seeth into the very depth of our waies and bottoms of our hartes. So as hee doth not only behold what workes we bring forth, & heare what wordes we publish, but he discerneth also r *De impulsibus quibus agimur ad aliquid faciendum*: of the motions and purposes, which doe set vs on worke, & prouoke vs, to the doing of any thing. Now, s *Eadem est voluntas lucri sperantis, & non pacisce-tis, (forte timore ecclesiæ) & pactum facientis*: hee that lendeth hoping for gaine, though he enter no couenant for it, (for feare of the censure of the Church) hath the same will, or minde, or purpose in lending, which he hath that couenanteth for gaine, when he lendeth. And therfore God *ponndering the spirites*, that is to say the wils and purposes of men: though the factes doe differ before men, and the hope of gaine cannot be discerned by me, yet are they of one, and the same nature in the presence of God. Whereof it is, that many haue defined vsurie, to be t *lucrum ex mutuo principaliter intentum*: the gaine that is principally, or specially intended in lending: so as the intention of gaine from lending may seeme to be anall sufficient argument to proue a man an vsurer.

p *Pro.16.2.*

q *Alexander de Ales. citatur a G. Biel in quart. sent. dist. 15. quæst. 11.c.*

r *Lauater. cōment. in Pro. 16.2.*

s *Alex. de Ales citatur a Gabriele.*

t *Angel. Declanat. G. Biel. Postilla maior Io. Aquitenus.*

Yea,

He that lendeth expecting gaine, is an vsurer.

Yea, and Chemnitius doubteth not to say, that this is the definitiõ of an vsurer, most properly collected from the doctrine of our Sauiour Christ, u *Qui intentione lucri mutuò dat, est vsurarius:* he that lendeth with an intent of gaine, he is an vsurer. And to him agreeth S. Augustine very directly, x *Si plus quàm dedisti expectas recipere, fœnerator es, & in hoc improbandus, non laudandus:* if thou doest respect to receiue more for lending then thou didst lend forth, thou art an vsurer, and for that thou art to bee reproued, not to be commended.

u *Chemnit. loc. com. tom. 2. tit. de paupertate, cap. 6.*

x *August. in Psal. 36. ser. 3.*

These reasons and testimonies are alledged to this purpose, namely to shewe vnto vs, that not only hee who in lending couenanteth for gaine, or whose vsurarious practises may be discouered of men, is such an vsurer as is condemned by the word of God: but euen hee which lendeth without any couenant at all, and doth onely expect an increase, or hope for gaine at the hand of the borower, he is iudged of men and condemned of God as a committer of vsurie. And therefore, if I lend without couenãting for gaine, but yet hoping that he to whõ I lend, will in regard therof speake a good word for me, helpe me to a good mariage, procure me a gainfull office, or such like: this expectation, and intendment maketh me to become an vsurer. Againe, if I lend and demaunde nothing, but yet I hope well that at the appointed day, the borower will not for shame send home my money without recompence, herein I am an vsurer: not an Open and Actuall, but an Inward and Mentall vsurer, such an one as hath bene last before described. Note by the way (least any man mistake this doctrine) that all hope and expectation in lending is not to be cut off, nor denied to the lender. It is true indeed, that our Sauiour Christ saith y *Lend, looking for nothing againe.* But ỳ place is not so to be vnderstood as if a man when he lendeth should neuer looke for the returne

y *Luc. 6. 35.*

The vsurer may expect diuerse things;

turne or repaymēt of his own principall again. For he that so doth, lendeth not money or wares, but giueth money or wares vnto his neighbour. Now of frée giuing Christ had spoken in ẏ verses [z] going before [a] *Sed quod mox addit, δανίζετε hoc est mutuum date, non de eadem specie iam loquitur, sed expresse de mutuo:* but that which he presentlie addeth, *Lend looking for nothing againe*, he speaketh not of the same kinde of contracting, namely of giuing, but expreslie of lending to another. And the meaning of our Sauiour Christ is in those words (*Lend, looking for nothing againe*) that men should not bee like the Scribes and Pharisies, who would onely benefite those which were able, or willing to benefite them againe, & from whom they looked for as great or greater commoditie: but that they should lend also to the poore and néedie, yea and that [b] *Citra omnem spem gratiæ, aut paris beneficentiæ:* without any hope of fauour or of the like recompence againe. And therefore one sayd not amisse [c] *potest mutuans sperare tria:* hee that lendeth may hope or expect three things of the borower. 1. *Mutui æqualitatem.* 2. *ream actionem.* 3. *personalem subuentionem in articulo necessitatis.* The lender may expect, first that the borower do repay the æquall measure, or value of that which he lent him: secondly, he may expect that he may haue his action in law against the borower, if his owne be not repayed: thirdly hee may expect, that the partie whom hee now reléeueth by lending will yeelde him againe personall reliefe in the time of his necessitie. Vnto which thrée, I may also adde the fourth particular, and that is, the lender may lawfully expect the loue and good will of the borower. For that hath he iustly deserued by his kindnesse: and besides loue is not a thing which can be valued for money: and therefore hee that expecteth loue cannot bee sayd to expect gaine from lending.

z *Luc* 6. 30. 31. 32. 33.

a *Aret. Prob. part.* 1. *loc.* 50. *tit. de vsura.*

b *Bucer. com. in Psal.* 15.

c *Rainer. Pantheol. part.* 2. *tit. de vsura. cap.* 1.

Prouided

The lender may expect loue: and no further.

Prouided alwaies, that the lender doe not so expect the loue of the borrower, as that in the seeking thereof, he hath too farre a reach, and casteth his eyes vpon some gaine, or commoditie whereunto by the good will of him that borroweth, he hopeth to be preferred. As for the purpose. d *Si quis Papæ, aut Principi mutuaret, ad captandam benevolentiam: vt postea possit consequi beneficium, vel castrum, aut huiusmodi.* If a man will lende to the Pope, or to the Prince, to purchase their fauour, that being in fauour with them, hee might afterwards obtaine a benefice of the Pope, or a Castle, or Lordship of the Prince. This mans expectation of loue and fauour to such an ende and purpose, maketh him to become a Mental vsurer. e *Tunc enim esset spes lucri: & per consequẽs vsura.* For there (saith the Schooleman) is the hope of gaine seazing on his mind, and consequently, there is vsurie committed. But other wise, if a man without an ouerreaching head, doe onely expecte in lending, the procuring of the fauour, and friendship of the borrower: this hope can make him no vsurer, for the reason before expressed.

d *G. Biel in quartum sent. dist. 15. quæst. 11. a.*

e *Ibidem.*

And so much for the first principal point of this treatise, namely for the defining or describing of those three kindes of vsurie, which are most vsually practised among men in these dayes: together with the vnfolding of the parts and branches of the same. Wherein I haue beene the longer: partly, because I held it exceeding necessary, to determine what that vsurie is against which wee are about to conclude: and partly, because I find that few writers haue largely, and thoroughly laboured in this point.

The second principall point: declaring that vsurie is vnlawfull, and that it is for many causes, and reasons worthely condemned by the worde of God.

Vsurie is condemned in the scriptures.

THus then I haue in some measure shewed what vsurie is: now it followeth, that I proue it to bee vnlawfull, and to bee plainely and fully forbidden in the holy scriptures. In the handling of which point, I must of necessitie conioyne those three kindes of vsurie together, whereof I haue seuerally discoursed before: lest otherwise the treatise should growe infinite, and tedious to the hearers. And moreouer, well may they in this point be vnited and coupled together: because if the one of them be vnlawfull, it will follow that the other must needes be condemned. As for example: If to commit vsurie in acte, and to take vsurie in deede, be an vnlawfull thing, then is the intent, and purpose of taking vsurie, euill and vnlawfull also. For it is a sound, and certaine principle in diuinitie: f *Si finis illicitus est, & prauus fuerit, ipsa quoque intentio erit mala.* If the end of the action, which a man aymeth at in doing thereof be euil, and vnlawfull, then must the intendment, and purposing of that action, be euill and vngodlie also. So, if Actuall vsurie be vnlawfull, then mentall vsurie is condemned. Againe, if open and plaine dealing vsurie be vnlawfull, the much more that which is cloaked and deceitfull. For S. Augustine saide well, g *Simulata æquitas non est æquitas, sed duplex iniquitas, quia & iniquitas est, & simulatio.* Fained or dissembled equitie, is no equitie, but a double iniquitie, because it hath in it both iniquitie and dissimulation. So if open vsurie bee vnlawfull, then cloaked vsurie is much more condemned. Therefore reproue one, and reproue all three, condemne one, and condemne all three kindes from the worde of God. Now it is manifest that the worde of God condemneth vsurie.

f *P. Martyr. loc. com. class. 2. loc. 10. sect. 1.*

g *August. in Psal. 63.*

h *Exod. 22. 25.*

Moses saith: h *If thou lend money to my people*, that is, *to the poore with thee, thou shalt not bee as an vsurer*

Vsurie is condemned in the scriptures

ver vnto him: ye shall not oppresse him with vsurie.

And againe: i If thy brother be impouerished, and fal- i Leuit. 25.35.
len in decaye with thee, thou shalt relieue him, and as
a stranger and sojourner so shall he liue with thee.
Thou shalt take no vsurie of him nor vantage, but 36.
thou shalt feare thy God, that thy brother may liue
with thee.

And againe: k Thou shalt not giue to vsurie to thy k Deut. 23.19.
brother: as vsurie of money, vsurie of meate, vsurie
of any thing that is put to vsurie.
Vnto a stranger thou maiest lend vpon vsurie, but thou 20.
shalt not lende vpon vsurie vnto thy brother, that the
Lorde thy God may blesse thee in all that thou set-
test thy hand to, in the lande whither thou goest to
possesse it.

Yea, and the Psalmist questioning with God, as
desirous to knowe, l Who shall dwell in his taber- l Psal. 15.5.
nacle, and who shall rest in his holy mountaine?
Among other properties belonging to a man that
shoulde goe to heauen, hee nameth this for one,
He that giueth not his money to vsurie.

And the Prophet Ezeklel, describing the wicked
sonne of a godlie father, who should dye for the
abhomination that hee had done himselfe, and
should not liue for the righteousnes of his fa-
ther: hee noteth this for one branch of wicked-
nes, that should among others bring him to de-
struction m if he hath giuen forth vpon vsurie, or m Ezech. 18.13
hath taken increase.

And in another place, the same Prophet displaying
and reproouing the transgressions of Ierusalem,
he saith, n In thee haue they taken giftes to shedde n Ezek. 22.12.
blood, thou hast taken vsurie, and the increase, and
thou hast defrauded thy neighbours by extortion,
and hast forgotten me saith the Lord God.

The worde of God condemneth vsurie.

I might alleage further to this purpose that which Dauid hath, Psalm. 55. Where complaining of the malice and crueltie of his enemies, he saith, [o] *Non defecit de plateis eius vsura & dolus*: Vsurie and deceite departeth not from their streetes. For so the olde Latine translation readeth it, and the greeke interpretor hath τόκος καὶ δόλος, Vsurie and deceipte. And so [p] Basile, [q] Ambrose, [r] & Augustine among the fathers, and among the new writers [s] B. Iuel, and [t] Aretius, doe quote it to this purpose.

o *Psal* 55.11.

p *Basil. in. Psal.* 14.

q *Ambros. de Tobia cap.* 4.

r *August. in Psal.* 54.

s *Io. Iuel. in* 1. *Thes.* 4 6.

t *Aret. loc. com. part.* 1. *loc.* 50. *de vsura.*

I might alleage also that which is written, Psal. 72. where Salomon describing the prosperitie and blessednes of his gouernement, (being therein a figure of Christ) among other benefites which by it should bee conueyed to the people, he noteth this for one, [u] *Ex vsurie & iniquitate redimet animas eorum*: Hee shall deliuer their soules from vsurie and iniquitie. For so the olde latine translation readeth it, and the greeke hath Ἐκ τόκου καὶ ἀδικίας: And so latter diuines, both of our [x] owne, and also of [y] other countries, haue vsed and receiued it. But because the Hebrue worde which the holy ghost vseth in those places seemeth to bee somewhat more large, then that it can bee restrained necessarilie to the name of vsurie, and that which the olde translation readeth *vsura*, vsurie, and *ex vsura*, out of vsurie: that Pagnine and Tremelius translate *fraus*, deceite, and *à dolo*, from deceite: therefore I will not vrge those places too farre for the confirmation of this argument. Neither in deede neede I, considering that other places which are alleadged, and may be alleadged in this behalfe, are as D. Wilson said, [z] Manifest scriptures: and as B. Iuel said, [a] euident witnesses to this purpose.

u *Psal.* 72.14.

x *L. A.*

y *Aret. Prob. part.* 1. *loc.* 50. *tit. de vsuris.*

z *D. Wilson. fol* 21.

a *B. Iuel. epist. before Wilsons vsurie.*

Unto the Scriptures, I thinke it not much amisse, next to adioyne the Oracle or Prophesie of Sibylla. Not as matching hir authoritie with the canonicall worde

of

Sybillaes prophesie of the vsurers condemnation.

of God, though the heathen calle her [b] *Sibyllam, quasi Θεοῦ βουλὴν* (after the AEolian language) *à consilijs deorum enuntiandis*: because shee reuealed (as they thought) the will of the gods. For I doe rather reckon the Sibyls in the number of those, which Saint Augustine calleth [c] *Prophetas non ipsius*: Prophets that were none of Gods; or, none of Gods Prophets. Yet I suppose that her testimonie is much to be regarded, because it is holden euen of Christians, that shee spake: [d] *Afflatu quodam mirifico*, By a merueillous kinde of inspiration: yea, [e] *mirifico præpotentis numinis afflatu*, By the merueilous inspiration of some mightie God: for so Iustinus Martyr doubted not to affirme. Now, the prophesying of Christs comming to iudgement, and how at his comming, all kinde of malefactours should bee gathered before him: among others which were to bee conuented, and to bee condemned of him, shee reckoneth the vsurers for one sorte of euill people. Her wordes be these

[b] *Lactantius lib. 1. de falsa relig. cap 6.*

[c] *Augustin. lib. expos. epist. ad Romanos.*

[d] *Iustinus Martyr orat. ad gentiles, tom. 1.*

[e] *Ibidem.*

[f] *Monumenta patrum Sibyllina, orac. lib. 2.*

Then shall come before him (among murtherers, adulterers, drunkards, and such like) the vsurers, which heape vp increase vpon increase: they also in Sibyllaes iudgement shall be appointed to destruction.

And surely it is no marualle, though the worde of God, and others speaking by an extraordinarie spirite, haue forbidden and condemned vsurie. For, not to stand vpon that which is of some other alleadged to this purpose, namely that the vsurer [g] *selleth the time and the ayre*, and so is not onely contrarie to God, who giueth those things freely vnto all, but also iniurious vnto men, in taking money for those things which are none of his owne: neither yet to stand vpon that speech of S. Basile, [h] *Sine terra plantans, sine semine metens*:

[g] *D. Wilson. fol. 33.*

[h] *Basil in Psal. 14.*

Vsurie ouerturneth the nature of lending.

vsure. The vsurer is such a kinde of husbandman who planteth hauing no ground, & reapeth hauing no seede: I say, not to stand vpon these, nor some other arguments which are vsed of diuers writers to this purpose; this is one speciall reason why God hath forbidden vsurie in the word, namely that whereas lending is a great and a necessary duety of charitie, and such a duetie, as without which no societie of men can either long or well indure; vsurie is such a thing, as ouerturneth both: 1. The nature, 2. The equitie, 3. The vse of lending.

1. The first reason against vsury: it ouerthroweth lending.

1. First, it ouerturneth the nature of lending: for vsurie lendeth for gaine, and lending in nature is free.

i *Gratian de-cret. part 2. cauſ. 14. quaſt. 3.* i *Duo ſunt contractuum genera quædam ſui gratuita ſunt, mutuum & commodatum.* There be two kinds of contractes (sayth Gratian) which in their owne nature are free: mutuating for the one, and accommodating for the other: being both seuerall kindes of lending, as hath beene before expressed. And wee haue heard that lending is defined to be, k *Translatio domini nullo interpoſito pretio:* The transferring of the dominion, or proprietie of a thing to an other, without price or consideration. And who euer doubted that had common sence, but that the lawes concerning lending so often repeated in the scriptures, doe implye *Officium gratuitum.* An office freely, and of meere kindnes, and without recompence to bee performed to our brethren? Therefore

k *Heming. com. in Deut. 15.*

l *Brentius com. in Leuit. 15.* Brentius sayd truely, l *In mutuo exigit lex naturæ, ut præter ſortem nihil accipiatur:* In lending, the lawe of nature requireth that thou receiue nothing again more then the principall. And Chemnitius sayth, m *Quando mutuans paciſcitur aliquid vltra ſortem, hoc ſit contra naturam contractus mutui.* When he that lendeth, couenanteth to receiue againe more then the principall, this is done or this he doth contrarie to the nature of lending. Whereof it

m *Chemnit. loc. com. tit. de paupertate ca. 6. tom. 2.*

is

Vsurie is against the nature and equitie of lending.

is that Vrsinus [n] iustly reckoneth vsurie among the corruptions which creepe into lawfull contracts. And Seleneccerus sayth, [o] *Mutationem esse officium, & liberalem contractum*: That lending is a ductie which of right wee owe to men, and a contract liberall and free in the owne nature: *Et deprauari vsurii*: And that it is depraued, or corrupted by vsurie. As indeed it must of necessitie bee corrupted by vsurie, considering that lending is free in nature, and the vsurer lendeth for gaine. Therefore euen as he which first deuised [p] the breeding of Mules, coniopned those kindes which nature had seuered, and [q] God had forbidden to be mingled: and by that mixture of his, brought forth but a beast, which though it be of some vse vnto men, yet it is but a corruption and monster in nature: euen so, hee that first coupled gaine vnto lending, hath vnited those thinges which reason [r] common sence haue seuered a sunder, and hath brought forth by his deuice but [s] An ouglie beast, yea [t] A monster in nature, [u] yea a swelling monster: howsoeuer in this vnkindly and vnnaturall age of the world, it bee by supposition reputed profitable vnto men. For lending is free in nature, and therefore vsurie ouerturneth the nature of lending.

n *Vrsinus Compend. doct. Christ. part. 3. in præcept 8.*
o *Seleneccerus instit. Christ. rel. part. 2. pag. 615.*
p *Gen. 36. 24.*
q *Leuit. 19. 19.*
r *Aristot. Polit. lib. 7.*
s *Io. Iuel. in 1. Thess 4. 6.*
t *Suidas in Aristoph. de nubibus.*

2. Secondly, as vsurie ouerturneth the nature, so doth it also the equitie of lending. What equitie is to bee obserued betweene the lender, and the borrower may best appeare by the lawe of God: for [u] *The iudgements of the Lord are trueth, yea, they are righteous altogether.* Now Gods lawe concerning lending was this: [x] *If a man borrow ought of his neighbour, and it be hurt, or else die, the owner thereof not being by, he shall surely make it good.* Now against the equitie of this lawe, the vsurer offendeth diuerse and sundry wayes. For if the wordes bee well marked, wee shall see that in lending God prouided onely that the lender should be no loser: for

u *Psal. 19. 9.*
x *Exod. 22. 14.*

The vsurer obserueth not Gods lawe of lending.

for the borrower was but to make the good which he had receiued. But the vsurer will before hand not onely to saue his owne, but also will couenant and contract, at the least wise he will purpose within himselfe to be a gainer. Againe, the lawe of God did repose the hazard and aduenture of the thing which was lent, vpon the head of the lender: so as if his goods perished in the borrowers hande, he the owner thereof being by, seeing it, and taking knowledge thereof, the borrower was not bounde to make it good. But the vsurer will neuer aduenture the principall, sincke hée, or swimme he that borroweth, lose he neuer so much, and bee his casualtie neuer so apparant: yet the vsurer will bee sure at the least to receiue his owne, if not so great aduantage. Againe, the lawe of God did bind the borrower to no more but only to make good the things which perished, or decayed, or mared the worse by the vsage. For hee sayth, *If it be hurt or die, hee shall surely make it good.* But the vsurer will gaine by the lending of that which either decayeth not at all in the vse, as money and coyne, or if it do decay, may bee restored full as good, as corne, wine, oyle, and such like marchandise. Againe, the lawe of God requited the friendship and good will of the lender no better, nor with no more then the receiuing of his owne againe. Now the vsurer will professe that he lendeth for good will, and that if you were not his speciall friend, hee would not forbeare his goods: and yet will hee bee requited with a great deale more then his owne againe. So deare and precious a thing is an vsurers friendship. So that if there bee any equitie in the lawe which God made for lending, then certainely there is no equitie but much iniquitie and vnrighteousnes in vsurie.

See more of these points in G. Babington. quæst and answers vpon the commandemẽts. pag. 363. and in Io. Knewstub. Lect. 8. in Exod. 20.

3. Thirdly as vsurie doth ouerthrow the nature and equitie, so doth it also cut downe, and abandon the

vse

Free lending is ouerthrowne by vsurie.

vse and practise of lending. Euident and lamentable experience teacheth, that whereas in the dayes of our forefathers, when vsurie was counted a deadly sinne, a poore man, or a young occupyer might easily borow of a ritch man xl. s. or twentie nobles freely, and pay it againe at conuenient leysure: now since men made no conscience of this euill, a man cannot borow fiue shillinges, no not xii. pence for a weeke, but hee must pay an egge for vsurie. Therefore B. Iuel sayd truly, [y] That vsurie is a thing which hardneth the hart. And another as truly, [z] *Fœnus interficit misericordiam:* vsurie cutteth the throat of mercy and compassion. S. Iames complaineth of the couetuous men of his time that [a] *their riches corrupted*, and *their gold and siluer canked*. From whence a learned man yet liuing among vs coniecturech not vnprobably, that the people of that time hated and detested vsurie. For had they not hated vsurie, though of vnmercifulnes they would giue nothing, no nor lend freely to the poore: yet [b] *Si fœneratorias artes adhibere voluissent, facile aurum atque argentum suum ab aerugine vindicassent*: If they would haue lent forth to vsurie, they might easilie haue preserued their gold and siluer from rust and corruption. And this wisedome (if it bee wisedome) the men of our time haue sounded to the depth. For though they will neither giue of almes, nor lend of loue: yet by putting forth their whole stocke to vsurie, they well inough prouide that their money rusteth not in their cofers. So vsurie is succeeded into the place of lending. Let this then be the conclusion of the first argument. Sith lending is a dutie so often commaunded of God, and so profitable (yea necessarie) vnto men, and vsurie is a practise which ouerturneth the nature, the equitie, and the vse of lending: no marueile though God hath so often forbidde and condemned it in holy Scriptures.

y *Io. Iuel in 1. Thes. 4. 6.*

z *Hugo Cardinalis in Psal. 15.*

a *Iam. 5. 3.*

b *L. A.*

Vsurie ouerthroweth Christes rule of loue.

2. The secōd reason against vsury: it ouerthroweth charitie.

To proceede from this vnto another argument. Vsurie is iustly condemned in the word, as that which is directly opposite, and as it were a sworne professed enemy to Christian charitie. Loue and charitie hath a wonderfull prayse set vpon it by the holy Ghost, S. Paul saith, [c] *Loue is the fulfilling of the law.* And againe, [d] *The ende of the commaundement is loue.* And againe, [e] *All the law is fulfilled in one word, which is this, thou shalt loue thy neighbour as thy selfe.* That as [f] he said of Pronūtiation in an Orator, so we may say of loue in a Christian: the first, the second, the third point of the law, the beginning, the middest, the ending of all duties to men, is loue towardes our neighbour. Now the squire and rule of this loue, our Sauiour Christ deliuereth to be this: [g] *What soeuer ye would that men should do to you, euen so doe ye to them; for this is the law and the Prophetes.* Which rule and squire of loue, as the vsurer seldome respecteth, so doth he neuer obserue. For tell me thou that demaundest increase of another, if thou hast occasion to borow thy selfe, wouldest thou rather giue interest, then receiue freely and for nought? experience denyeth it: reason is against it. [h] Who would not rather trauaile without a burthen vpon his backe, then with a burthen? or who would not haue the sweete and auoyde the sower? euē so, who had not rather haue goods giuē then sold, lent thē let vnto him? wouldest thou so? thē if thou in thy need wouldest borow freely, & yet wilt not lēd to another mā but vpō increase: ẏ doest not to him, as thou wouldest be done vnto thy self, & therfore obseruest not the law of charitie. That if (as Vrsinus saith) the questions arising about vsurie may be determined by this speech, or generall rule, [i] *Quod tibi non vis fieri alteri ne feceris:* doe not to another that which thou wouldest not haue done vnto thy selfe: then may it easily be concluded what is to be thought and iudged concerning

c *Rom.* 13. 10.
d 1. *Tim.* 1. 5.
e *Galat.* 5. 14.
f *Cicer. de Ora.*
g *Math.* 7. 12.
h *D. Wilson. fol.* 175.
i *Zach. Vrsinus cōp. doc. Christ. part.* 3. *in præcept.* 8.

Vsurie is against charitie. The vsurer saith he would borrow so.

cerning this case of vsurie namely, that it will not, nor cannot stād with ỹ generall rule of charitie. And therefore B. Iuel sayd, [k] *Charitas Christiana non fœneratur:* Christian charitie putteth not forth to vsurie. And M. Beza saith that which is more, [l] *Fœnerari prohibet Christiana charitas:* Christian charitie forbiddeth men to take vsurie. But the Cardinall sayd that which is most of all, [m] *vsura directè opponitur charitati:* vsurie is directlie opposite vnto charitie. Yea, and Hemingius saith plainely and directly to this pointe, [n] *stabilita vsura euertitur charitatis norma, quam Deus æternam esse vult:* establish or allowe vsurie, and the rule of loue is quite ouerthrowen: which rule God would haue to abide and remaine for euer. Conclude we then in this manner. Loue is the very summe and substance of the law: but the vsurer ouerturneth the generall rule of loue, (for he doth not to another, as himselfe would be done vnto:) *ergo* he and his practises, are worthilie condemned in the word of God.

But me thinkes I heare some vsurer or other, whispering with himselfe, and replying in this manner against that which hath beene spoken. Why sir: I doe as I would bee done vnto. For if I were in want my selfe, I would bee glad to take vp money for tenne in the hundred, or to giue a greater price to haue wares with halfe yeeres day of payment: yea and take him for my friend too which so would deale by mee. To which obiection of theirs, I answer diuerse and sundry waies. First, I say with Chemnitius, [o] *Simulatus prætextus est:* This pretence which the vsurer maketh, that he would be glad in his need to borrow vpon increase, is fained, and false, and counterfeite. *Nemo enim est qui non mallet gratuito mutuo sublenari in egestate:* For there is no man (sayth he) which had not rather be relieued in his necessitie by free lending, then by taking vpon vsu-

k *Humfred. in vita Iuel. pag.* 232.

l *T. Beza annot. in Matth.* 19.8.

m *Hugo Cardinalis in Psal.* 15.

n *Heming. Cō. in Iam.* 5.

o *Chemnit. loc. com. tom. 2. tit. de paupertate cap.* 6.

Doe as thou wouldeſt be done to, how it is to be expounded.

rie. And where ſhall you almoſt finde an vſurer, who if his owne money bee abroad, will very readily borrowe money or wares vpon vſurie, to relieue his preſent neceſſitie? Secondly, I ſay that as touching that ſpeech of our Sauiour Chriſt, p *Whatſoeuer ye would that men ſhould doe to you, euen ſo doe to them:* q *Ante omnia inquirendum erit, ad quam hominis voluntatem lex iſta extendi debeat.* It is firſt of all (or principally) to bee conſidered, vnto what kind of will in a man, that law or ſpeech of Chriſt, is to be extended. For in all thinges, and in all reſpectes, it is euident that this rule holdeth not: *Doe as thou wouldeſt be done vnto.* If it did, then would it followe, that the magiſtrate muſt of loue ſpare the conuicted malefact or, becauſe if hee were in the malefactours caſe, he would be glad to be ſpared and pardoned himſelfe. And then ỹ couetous man ſhould be bound by the law of loue, to giue all his goodes vnto another, becauſe his gripple mind is ſuch, as he would willingly another man ſhould giue all that he hath vnto him. And a number of ſuch abſurdities would followe, if the rule were generall, and without exception, *Doe as thou wouldeſt be done vnto.* This rule therefore of loue preſcribed vnto men, r *Debet ad eam voluntatem reſtringi quæ non pugnat cum æquitate, & legibus naturæ.* Muſt be reſtrained to ſuch a will, as is not repugnant to equitie, and the lawe of nature. Loke what a man willeth to bee done to himſelfe for a minde well gouerned by loue, and loke what a man willeth to himſelfe, s *ſcilicet à natura*, by the motion and inſtinct of nature: that let him yelde in the like caſe to another: for t *that is the law and the Prophets.* Now alas, whē a man is driuē into a ſtraight by an vnnaturall neceſſitie, how can his will well followe the light of nature? And when his will is ſo tolled vp and downe, as that he is compelled to will that, which if he were his owne man he would not, yea and miſli-

p *Math.7.12.*
q *Gualter.homil.61.in Luc.6.*
r *Ibidem: & Brentius hom. 59.in Luc.6.*
s *Mich.Cope. com.in Pro.28. 3.*
t *Eraſm.Sarcerius ſchol.in Luc.6.*

ſheth

Charitie must not be led by a distempered will.

keth vtterly that which of necessitie he willeth: how can his will be saide to be moderated with equitie and reason? And when his straightnes & exigent compelleth him to reach out his hand to vnlawfull meanes, and so to forget both God, himselfe, and his neighbour: how can that minde bee saide to bee well gouerned by loue? Therefore from such a will so straitned, so degenerating from kinde, and so farre from loue, to prescribe a rule, vnto free kindenes and loue: hath neither grounde from the worde of God, neither is it agreeable to common wisdome and reason among men. Thirdly, I answer to this obiection of the vsurer: say that thou wouldest be glad in thy necessitie to borrow vpon vsurie of another: yet this will of thine is not simple nor free, but thou wilhest and willest so to doe, onely to auoyde a further danger. As the Marriner tossed with an extreame tempest vpon the sea, to auoyde vtter shipwrack casteth his goods and fraught not vnwillinglie ouer the board: which notwithstanding, he would not willinglie haue done, but to escape the losse of his life that was more deere vnto him. Now these and the like are called *mixtæ actiones*, mingled actions: done partly voluntarily, and willinglie, partly inuoluntarilie and vnwillingly. A man would not do such a thing simply if he were at his free choyse, yet he will doe such a thing to auoyde a greater euill. So that to will, & not to wil, do after a sorte concurre in one and the same action. But now the meaning of Christs rule is: whatsoeuer we would willinglie and chearefully, that others should doe to vs, following the light of nature, and ordering our mindes by loue: that the lawe of charitie bindeth vs to yelde, and to performe to others. And therefore that pretence of doing as wee would bee done vnto, is but an apron of figge

figge leaues too slenderlie sowed together, and not able throughlie to shroude from sight the vsurers vncharitable shame. Hee doth not as hee woulde bee done vnto, and therefore fulfilleth not (nay hee ouerturneth) the lawe of charitie: and consequentlie hee and his practises are worthilie condemned in the holy scriptures.

The ende of the third Sermon preached Maij. 7. 1593.

The

The fourth Sermon: the ſpeciall contentes whereof are theſe.

Two other reaſons are alleadged againſt vſurie: viz. that

1. *It ouerturneth equalitie, and euenhoode in bargaining: becauſe that,*
   1. *It demandeth conſideration for that which is none of the vſurers owne.*
   2. *It demandeth two recompences, for one intire thing.*

   By reaſon of which inequalitie, it commeth to paſſe that vſurie is ſo commonly the ouerthrowe, both of
   1. *Private families.*
   2. *Publike eſtates and common weales.*
2. *It is a ſinne which the vſurers practiſe, againſt the light of their owne conſciences, and ſo againſt the lawe of nature, which ruleth in the ſame.*

3. The third reaſon againſt vſury, it ouerturneth equalitie.

THere is yet a further euill incident into vſurie, and that is, that it ouerturneth euenhoode, and equalitie in dealing, betweene man and man, and therefore in that reſpect alſo is it iuſtly forbidden in the word of God. Now that it ouerturneth equitie and euenhoode, the Schoolemen haue ſhewed by theſe reaſons. 1. Firſt, [a] the vſurer demanding

a *Scotus in 4. diſt. 18. quæſt. 2. G. Biel. in quartum ſent. diſt. 15. quæſt. 11. art. 1. A.*

ding increaſe for that which hee lent: ſéeketh gaine of that, which for the time is another mans, and none of his owne. For by lending, hee did transferre the dominion and propertie of his owne goods, into another mans hands: ſo as, not he which did lend, but he which did borrowe, is for the couenanted time of lending, Lord and owner thereof. If therefore the lender demaunde increaſe for the time which he lent, he ſéeketh gaine of that which for the time was none of his owne. Now, to requite gaine of that which is another mans, is a very vniuſt and vnequall demaunde. And therefore ſaide one not of the meaneſt Ciuillians:

b *Barthol. Capol. tract. cautelarum cant.* 125.

b *Vna eſt ratio principalis quare in mutuo vſura eſt prohibita, quia ille qui recipit mutuum, ſi aliquid ſolueret vltra, ſolueret de re ſua, vel propter rem ſuam:* This is one principall reaſon, why vſurie is forbidden in lending, becauſe if hee that borroweth, ſhould pay any thing more then that which he receiued: hee ſhould pay it of his owne goods, or for his owne goods: for as much as in deede, the lender hath made them the borrowers for the appointed ſeaſon. And this is alſo the reaſon which Melanchthon vſeth to this purpoſe.

c *Melanchthon lib. definit. appellat.*

c *Pugnant vſura cum aqualitate*, vſurie (ſaith he) fighteth with equalitie. And why? His reaſon followeth, *Nemo debet lucrari ex alieno: Accipiens vſuras lucratur de alieno: quia mutuatio tranſtulit dominium. Non eſt igitur iuſtum lucrum.* Equalitie ſaith: No man ought to make gaine of another mans goods. But he that taketh vſurie, maketh gaine of that which is another mans: becauſe the lending hath transferred the dominion of the goods from the lender to the borrower. Therefore it is no iuſt nor equall gaine.

Why? but ſir (will the vſurer obiect,) graunte that by lending I do make my goods for the time to become another mans: yet why may I not iuſtly demaunde gaine and increaſe of the borrower, euen in this conſi-

deration

The vsurer lending, must take no consideration.

deration onely: Namely, because I am contented for the time, to put out of mine owne hand into his, the dominion and propertie of my goods: I answer: that if thou sellest any thing to another man, thou maiest so doe in deede. The nature of that contract permitteth thee to take consideration, for the making ouer and alienation of thy goods vnto another: but thou in putting forth to vsurie, doest exercise onely the contract of lending. Now lending is *translatio dominij nullo interposito pretio*: a transferring of the dominion of a thing, from one man to another, without any price, or consideration, as hath been before declared. If then thou takest consideration, thou lendest not: but because thou professest to lend, therefore for translation of the propertie thou must craue no consideration. Lactantius describing diuerse particular duetties to bee exercised of a christian man, among others he nameth this for one. [d] *Pecunia, si quam crediderit, non accipiat vsuram*: If he lende any money, let him take no vsurie for it. And why? Marke his reasons: *Vt & beneficium sit incolume quod succurrit necessitati, & abstineat se prorsus alieno*: Partly, that it may bee a meere or intire good turne, which relieueth necessitie: and partly, that hee which lendeth may wholie abstaine, from taking of that which is another mans. And he addeth further, *In hoc enim genere officij, debet suo esse contentus, quem oporteat alias ne proprio quidem parcere, vt bonum faciat: plus autem accipere quam dederit, iniustum est*: For in this kinde of dutie (he meaneth, in lending) he that lendeth must bee content with his owne, who at other times must not spare his owne goods, but willingly part with them to do good. Now to receiue more then he lent, is an vniust, or vnequall thing. Out of which speech of Lactantius, these poyntes may fitlie, and profitablie bee obserued. First, he that lendeth to relieue necessitie must yelde

d *Lactant. de vero cultu. lib. 6 cap. 18.*

Vsurie taketh two recompences for one thing.

Beneficium beneficio, a free good turne: *Ergo*, hee must take no consideration. Secondly, his lending must be free, least he leaze vpon another mans goods. Thirdly, because he that taketh increase by lending, seazeth vpon that which is none of his owne, therefore hee doth that which is vnequall and vniust. So that, from him it may bee gathered, that to make thy goods another mans by lending, and then to demaunde gaine of that which thy selfe hast made none of thine, is a very vnsuit and vnreasonable thing.

A second reason, by which the schoolemen do shew the inequalitie, and want of euenhoode committed in vsurie, is this. They say (and it is true,) that vsurie is committed onely in that kinde of lending, which is called *mutuum* or mutuation: And mutuation is onely of such things, as consist in number, waight, and measure. Now it is euident that in such thinges as passe from man to man by number, or waight, or measure, the vse of them cannot be seuered from the proprietie, nor the proprietie from the vse: but they must of necessitie passe together without diuision, or seperation. As for example, (that the simplest may vnderstād me) I cannot lend a man money, or corne, or oyle, or such like things, but I must make them fully his, to doe with them what he will: if I do not, hee can make no vse of them, nor receiue benefite by them. So as he cā not haue the vse of them, vnlesse hee haue the proprietie: and what shall he do with the proprietie for a time, vnlesse hee may haue the vse of them also? Well then: if I lend money, and so with the money the vse of it, as one entire thing (because the vse cannot be seuered frō the proprietie) and I demaunde againe not onely money, which of necessitie bringeth vse with it, but also more money for the vse of my money: I demaunde two thinges for one, & seuerall things, for them which

cannot

Vsurie taketh two recompences for one thing.

cannot be seuered. And this is the reason of Thomas Aquinas against vsurie, which hee maketh plaine by this example. [c] If a man would sell wine seuerallie, and by it selfe, and would withall, sell the vse of that wine seuerallie, & by it selfe: he should sell the same thing twise, or should sell that which is not: and so hee should manifestlie offende in iniustice. *Et simili ratione iniustitiã committit, qui mutuat vinum, aut triticum, petens sibi duas recompensationes: vnam quidem restitutionem aqualis rei, aliam vero pretium vsus, quod vsura dicitur.* By the like reason, hee committeth iniustice or inequalitie, which lendeth wine, or wheate, to another, and demaundeth two recompences for the same: one for the thing it selfe, another for consideration of the vse. Which second consideration, or recompence taken for the vse of such a thing, is that which is called vsurie.

[c] *Tho. Aquin. 22ª. quæst 78. art. 1.*

Now it is true, that the vsurers doe obiect in their owne defense (as Chemnitius also hath obserued,) that [f] they doe not sell twise ouer the goods, or principall it selfe, but they sell *Realem vtilitatem*, a reall commoditie, *Qua creditori abest, & debitori adest:* which the creditour wanteth for the time that he lendeth, and the debtor enioieth for the time that he borroweth. Wel: graũt that to bee so, (for indede who will borrow any thing, but in respect of the reall commoditie which it is supposed to carry with it?) yet by that reason, a man may take two prices for many things that are sold. As for the purpose. I sell a man Bullion gold. Now gold besides the mettall it selfe which is precious, yea and besides the benefite which ariseth from it being coyned, in buying and selling &c. it hath also this reall commoditie, that it is profitable many wayes to Phisicke, and to health, as a very soueraigne & cordiall thing. Shall I therefore take one price for the gold it selfe, and another for the vse, or benefite, or reall commoditie of

[f] *Chemnit. loc. cõ. Tom. 2. tit. de paupertate. Cap. 6.*

Vsurie overthroweth equalitie: which is the rule of vertue.

gold: what were this, but to sell one thing twise, and to take two prices for one commoditie, and so to commit a monstrous inequalitie?

Therefore, to returne to the purpose, Aristotle who saw much into matters of common societie, sayd that g By vsurie was taken away, *medium & norma aut regula omnium virtutum:* the measure and squire and rule of all vertues: namely Arithmeticall proportion, whereby equall thinges are equallie recompensed, which rule the vsurer obserueth not, because he demaundeth two considerations for one and the same thing. Hereof it is that B. Iuel sayd, h *vsura mutatio iniqua est:* vsurie is a kinde of vnequall exchanging, or bargaining. And Hemingius saith, i *Manifestè inaequalitatem parit:* to take gaine for lending, breedeth a manifest inequalitie. And the states assembled in our English Parliament concluded, that k It is contrary to the law of naturall iustice. *Ac res ostendit* (saith Melancthon) l *propter hanc inaequalitatem exhauriri magnam partem hominum, eamque ob causam sape seditiones in Imperys ortas esse:* experience it selfe teacheth, that by reason of this inequalitie which is committed in making gaine of lending, a number of men are consumed, and for that cause many seditions, rebellions, and tumults, doe often arise in kingdomes and common weales. Now I would haue men thoroughly to obserue this speech of Melancthon, as that which I meane to make ỹ foundation of many things now to be deliuered. And well may I lay his iudgement for a foundation, because m his writings testifie, that he was in his time *maximum & singulare decus literarum:* a great and singular ornament of learning, as P. Fagius hath truly reported of him. That speech of his deliuereth two pointes of great waight, and worthie of our deepe consideration. Namely that whereas by the equalitie which is in other contractes, as in buying,

g *Aristot. Polit. lib. 1.*

h *L. Humfred. in Vita Iuelli. pag. 224.*

i *Hemingius com. in Iac. 5.*

k *Anno. 3. Henrici. 7. cap. 5. & Anno. 11. Henrici. 7. cap. 8.*

l *Melancthon. lib. definit. appellat.*

m *P. Fagius epist. ante Chald. Paraphrast. tom. 1.*

Vsurie consumeth priuate families.

ing, in selling, in letting, in exchanging and such like, men doe vsually grow wealthy, in their priuate families, yea and the publique estate of the common weale is supported and maintained: it commeth to passe by the inequalitie which is in this corrupt contract of vsurie, that 1. priuate families are commonly impouerished, and 2. common weales are vsually disturbed.

And first to speake of the want and straitnes which vsurie begetteth in priuate families: wee haue an euident example therof in the holy scriptures. [n] The people complaine in the dayes of Nehemiah, that by reason of the burdens (or vsurie, for so Pagnine translateth it vers. 7.) which the richer sorte did impose vpon them, their children were brought into bondage, their lands and vineyardes were gaged to other men, *And there was no power in their handes*, that is, (as Tremellius well expoundeth it,) [o] they had no substance or abilitie to redeeme them home againe. So dry were they drawen, and so low were they brought by borrowing vpon vsurie. 1

[n] *Nehem.* 5.2. 3.4.5.

[o] *Tremel. annot. in Nehem.* 5.5.

The prophet Amos complaineth bitterly of the oppressors of his time, [p] how they did *swallow vp the poore*, and *make the needie of the land to faile:* how they sought *to buy the poore for siluer, and the needie for shoes:* to bee their seruants, for so [q] Vatablus doth apply it. Which extremities, as they are common to al couetous men: so (sayth Gualter) [r] *Obseruabis ista vsurarijs & fœneratoribus potissimum obijci:* Obserue that these thinges are principally obiected, and layd to the charge of vsurers, & those that lend for increase. Which is as if he should say, that they play of all others the principall acte of this tragedie, and that they are the men especially, which swallowe vp the poore, and bring the needie into bondage. Ambrose also complaineth of the iniquitie of his time in this behalfe: [s] *Vidi ego miserabile spectaculum*, I haue seene (sayth he) a miserable sight, 2

[p] *Amos* 8.4 6.

[q] *Vatablus annot. in Amos* 8.6.

[r] *Gualther hom.* 27 *in Amos* 8.

[s] *Ambros. lib. de Tobia. ca.* 8.

or ſpectacle in my time. *Liberos pro paterno debito in auctionem deduci, & teneri calamitatis haeredes, qui non eſſent participes ſucceſſionis.* I haue ſéene children ſet forth to ſale to pay the fathers debt which accrewed by vſury, (for of that hee ſpeaketh in that place,) and ſo they became heires of their fathers calamitie, who were not ſucceeders to their inheritance. What ſhould I ſay more? the Emperour Seuerus [t] allowed the taking of foure in the hundred, *Cùm nonnullos fœneris cauſa agro paterno exutos intellexiſſet:* Becauſe he ſaw that many by vſurie waſted away all their fathers lands. And if forreine examples wanted abroad, yet how pitifull, and howe manifold are our inſtances at home, of noble mens ſonnes by vſurie decaying their houſes, of Marchant men by vſurie walking their ſtockes, of huſbandmen by vſurie compelled to ſell their crops aforehand halfe for naught? that nothing is more true then is that ſaying of Melanchon, namely that a number of men are conſumed and drawen dry by vſurie. Which conſumption of ſo many, could not ſo vſually, and commonly be effected by this trade: if there were not a marueilous inequalitie, euen in the contracte and manner of bargaining vſed in the ſame.

4

5

t *Aret. loc. com. part. 1. loc. 50. de Vſuris.*

u *Bernhard Sylueſt. de cura rei familiaris.*

Vſura

x *Cicero offic. 2. Ambroſ. de Tobia cap. 14.*

y *Leo magnus Ser. 6. de ieiunio decimi menſis cap. 3.*

z *Io. Northbrooke, the poore mans garden.*

a *Chryſoſt. in Mat. 5.*

b *Baldus conſ. 449.*

Hereof it is that Bernhard called vſurie [u] *Venenum patrimonij*, The poyſon of a mans patrimonie, or inheritance: that Cato ſayd, [x] *Fœnerari eſt hominem occidere*, To lend to vſurie was to kill a man: that Leo ſayd [y] *Fœnus pecuniæ, funus eſt animæ:* that is as one interpreteth it, [z] The death of life: becauſe that vſurie is as it were a poyſon to the life, & a moth to the goodes of men. Hereof it is alſo that Chryſoſtome compared vſurie to [a] the ſtinging of the ſerpent Aſpis, which caſteth a man into a certaine kinde of pleaſant and delightfull ſléepe: but in the ſléepe hee dyeth away without recouery. That the great lawyer [b] compared it to the worme

Tere-

Vsurie consumeth and wasteth wealth.

Teredo, whereof [c] Plinie maketh mention in his naturall historie: which is as soft as silke in the feeling of the hand, but biteth so hard with the teeth, that it eateth the strongest timber. For indeede such a thing is vsurie: it seemeth for the present to benefit and refresh, but in the end, it will deuour and consume. And such a man is an vsurer, soft in his wordes, and faire in his promises: but by his deedes he stingeth to death, and wasteth the greatest substance. Hereof further it is, that Plutarch compareth the vsurers to the [d] Vultures and Rauens that will picke the guts out of a mans belly: and that Alphonsus the king of Arragon compared them to the Harpiæ, [e] that deuoured the Troians victuals: [f] *Vipote labores mortalium depascentes*: As those that do eate vp the fruites of other mens labours. Hereof also Cælius Secundus calleth vsurie [g] *Tabem pestiferã*: A deadly or contagious ague. And sitly: for by it poore men are cast into many a shaking fitte, and at last are pyned to the bones. Yea the Pope himselfe (who doth not easily condemne sinne and iniquitie) compareth vsurie vnto [h] a Gulfe or whirlepoole, which doth deuour soules, and vtterly wasteth wealth. These, and the like, (of which kind I meete with diuerse in reading of this argument) are hard speeches, and hard comparisons (I confesse,) and such as might make an honest minded man to loath the practise, yea the very name of vsurie. Yet thus haue wise men, and learned men, spoken and written of it, because they haue obserued by experience, that (as B. Iuel sayd) [i] Vsurie consumeth the rich, eateth vp the poore, maketh banckerouts, vndoeth houshoulds, and (as before was deliuered out of Melanethon) draweth drie hundreds, yea thousands of people in the world, and is the vtter destruction of infinite families. Which destruction of priuate families, I am perswaded that men of all ages and places could

c *Plin. nat. hist. lib. 11. cap. 2. & lib. 16. cap. 41.*

d *Plutarch lib. de non fœnerãdo.*

e *Virgil. Aenead. 3.*

f *Licost. Apotheg. tit. vsura.*

g *Cælius Secundus lect. antiquar. lib. 12. cap. 20.*

h *Sextus decretalium. D. Wilson fol. 92.*

i *Io. Iuel. Ser. in 1. Thess. 4. 6.*

The vsurer obiecteth that many haue gained by vsurie.

neuer haue obserued, so vsually and ordinarily to arise from vsurie, more then from buying, selling, letting, exchanging, and such like contracts: if there were not a marueilous inequalitie, and want of euenhood, in the very practise of vsurie.

But now, vpon this I know the vsurer is ready to reply, that many haue gained greatly by borowing vpon vsurie. And he will not sticke to giue instances of some, who by this meanes haue recouered their houses and landes which lay to morgage, like to bee lost: and of some maultsters who at the first began with little stocke of their owne, but by vsing money taken vp in this order, haue growne very wealthie. Yea, and I lent money to such a man, and such a man, (saith he) and he brought my money againe at the day with many thankes, & professed that he gained greatly by me. And how then is this such a monstrous decay to priuate families, as you haue before reported? Now, to this I may make answere diuerse and sundry wayes: first, I doubt not but some mē may gaine by taking vpon vsurie: for they may light on a match which shall yéelde them treble increase. So may a man gaine that ouerbuyeth his wares, or ouerbireth his farme or ouer exchangeth his horse: he may happen on such gaine in selling the same wares, or letting the same farme, or exchanging the same horse againe, as shall yéeld double or treble recompence, for the harme of his former bargaine. But that excuseth not the vnrighteousnesse of the first seller, letter, or exchanger: no more doth this, the iniquitie of the vsurer. So that a man may say in this case of him that borowetb as Leo sayd of him that lendeth, [k] *Quitibet sequatur euentus, mala semper est ratio fœnerantis*: what euent soeuer betyde him that borowetb vpon vsurie, gaine he or gaine bee not, the course of lending forth vpon vsurie is euill and vngodly.

k *Leo primus serm. 6. de ieiunio decimi mēsis. cap. 3.*

Though vsurie benefite some, that iustifieth it not

vngodly. Secondly, I say, that though one, or two, or some few haue gained by taking vpon vsurie: yet *One swallow maketh not summer*, neither can a few gayners, argue this trade to be commodious. S. Basile doth notably answere the vsurers obiection in this behalfe. [l] *Multi (inquies) ex fœnore diuites facti sunt. Plures ob hoc magis puto laqueos attigerunt.* Thou wilt say vnto me, that many haue growen rich by vsurie. But I answere (saith hee) that I suppose more by that meanes haue come to hāg themselues, or haue bene brought to the gallowes. Now, *tu diuites factos respicis, eos verò qui desperauerunt, animumque deposuerunt non numeras*: thou lookest to those and repeatest those that haue growne rich by vsurie: but thou namest not those which haue growne desperate and faint harted, and haue come to their end by vsurie. D. Wilson hath a prettie historie to this purpose, not vnworthie the remembring. [m] A man comming into a certaine Church, and seeing it fraught full of Images made of ware, demaunded what might bee the cause of such an vnwonted sight: answere was made, that those whom these Images did represent were certaine persons which on a time were saued from drowning, by calling vpon our Lady. Nay then (quoth hee againe,) where bee the Images of those (I pray you) that called vpon our Lady, and were drowned notwithstanding? so say I in this case. If any man will set before me the instances, and as it were the Images of those, who toke vp money on vsurie, and grew rich thereby: I would demaunde on the other side that hee shew forth the hundreds, and thousands of those, who by that meanes haue vtterly impouerished, and ouerthrowen their owne estate. They will be founde a million for one: yea to bee without all comparison. Thirdly, I answere to that obiectiō of theirs (*viz.* many haue growne riche by taking gwdes vpon vsurie,)

l *Basil. com. in Psal.* 14.

m *D Wilson. fol.* 189.

If one gaine by vsurie, many lose.

with that saying of Hemingius, whom some of the suppose to be a patron to their practise. n *Nihil boni parere ex vsura esse potest, sed potius malorum pelagus:* there can no good arise from vsurie of it selfe; but rather a maine sea of euill. *Verum si quid fortuito boni, ex vsuris prouenire videtur, id nequaquam vsuris, sed mutuationi tribuendum est:* If by chance (saith hee) there seeme any commoditie to arise from vsurie, that is not to bee ascribed to the lending vpō vsurie, but to the lending which is in vsurie. If a man gaine by borowing vpon vsurie, it is because he borowed, not because he borowed for increase. Borowing yéeldeth a benefite: but borowing for vsurie is that which abateth the height, and greatnesse of the benefite. Fourthly, and lastly, I answere to this pointe, that to make him gaine who taketh vpon vsurie, many must of necessitie lose and be hindred. For he that dealeth by money taken vpon vsurie, if he will gaine, must vse the more craft & subtelltie in his trade: and besides that, o *Cogitur merces suas tanto pluris vendere, & populus cogitur eas pluris emere,* he is compelled to sell his wares, and the people are compelled to buy his wares at a higher and greater price. Wherefore S. Chrysostome sayd well, p *Fœneratorem communem esse hostem omnium,* that the vsurer is a common enemie to all the common weale. Now then what is this, but euen to saue a sticke, and burne a house, to saue a ioynt and lose the body, to helpe one and spoile a thousand: and this is the best effect of some mens gaining by vsurie. Therefore sayd Bodine well, q *Nulla est tenuium sublenandorum via compendiosior, quam omne genus fœneris ex lege diuina prohibere:* there is no more compendious or ready way, to ease the poore and needie: then to forbid all kinde of vsurie, according to the law of God.

n *Hemingius com. in Luc. 5.*

o *L. Humfred. in Vita Iuelli. pag. 221.*

p *Idē. pag. 222.*

q *Bodinus de repub. lib. 5. cap. 2.*

Well then: if we procéede on from priuate families, to whole common weales, we shall see that vsurie hath

vsurie ouerthroweth common weales.

hath decayed whole cities, and prouinces and kingdomes. The Romaines giue testimonie to this, who [r] neuer began to decay, till vsurie lorded amongst them. The Germaines giue testimonie to this, who before they knew what vsurie ment, [s] *Sese soli auderent Romanis opponere:* they durst oppose themselues by themselues against the Romaines. *Hodie in delicijs, & are alieno, & gloriam bellicam & germanicam integritatem amiserunt:* now wasting themselues by delight and vsurie, they haue lost both their warlike valure, and the Germane sincerities. According as Luther cōplained of it in his time: [t] *Detestanda auaritia, & vsura funditus eam corruperunt, & euerterunt:* Detestable couetousnesse, and vsurie, haue whollie corrupted, and ouerthrowne it. Againe. The Egyptians giue testimonie to this. [u] *Omnis Ægyptus fœnore obruta:* saith Alexander *ab Alexandria:* All Egypt is ouerwhelmed with vsurie. The Spaniardes giue testimonie to this, who are sayd [x] to loose their gaine which they gather among the Indians, by the vsurie which vpon their returne they bargaine to paye vnto the Genowaies. Yea England hath in former ages giuen testimonie to this: for riotes haue bene raised in the land, [y] against the Iewes, and many hundreds of them slaine, for the vsurie which they exacted of the Christians. What should I say more? Cornelius Tacitus speaketh thus of the estate of Rome. [z] *Sanè vetus vrbi fœnebre malum, & seditionum discordiarumque creberrima causa:* vsurie is an ancient euill to the Citie and a most vsuall cause of discorde and sedition. S. Hierome saith, [a] *In cunctis vrbibus seditionis causa vel maxima est:* It is a speciall cause of sedition in all Cities. Pomeranus saith (as Marloreedoth alledge him,) [b] *vitanda est vsura, tanquam præsentissimum & ecclesiæ, & reipublicæ venenum.* vsurie is to bee auoided, as a strong poison both to Church and common weale. In word: all

r D. Wilson in epist.

s Aret. Prob. part 1. loc. 50. tit. de vsuris.

t Luther de taxanda vsura tom. 7.

u Alex. ab Alex. lib. 1. cap. 7.

x D. Wilson. fol 186.

y Anno 47. Hērici. 2. D Wilson. fol. 198.

z Cornel. Tacit. annal. lib. 6.

a Hierom. com. in Esay. 58, 6.

b In 1. Tim. 3. 3.

All common welths men doe condemne vſurie,

men almoſt do agree in this, that it is the confuſion of countreys, and the bale of common weales. Now I demaunde whence poſſibly it can be, that whole countryes and cities, ſhould be ſo vſually, and ſo generally ouerturned by vſurie: but euen from the vnreaſonablenelle, inequalitie, want of euenhoode, and want of due proportion committed in the very maner of the contracting it ſelfe?

And therefore, wee finde that the great common wealth men of all ages, though they knewe, and ſawe euidently, how without diuerſe kindes of bargaining and contracting, ſocietie among men could not poſſibly be maintained: yet they haue alwaies prohibited, and condemned vſurie, as a thing carrying with it ſo great inequallitie, that it, and the publique good, could not well ſtand together. [c] Plato baniſhed vſurie out of his common wealth. [d] Lycurgus diaue all the vſurers out of Sparta. [e] Agis brent all the vſurers bookes in Athens: which fact Ageſilaus beholding, ſaide that hee neuer ſawe *Clarius lumen*, or (as Northbrooke reporteth it) [f] *Puriorem ignem*, a more cleare, or excellent, or purer fier: for indeede, it purified the cittie of a maſſe of corruptions. [g] Solon toke away the vſurers bookes and gaines, and brought in *nouas tabulas*, new lawes, or ſtatutes, which are ſaide in greeke to bee σεισαχθεια, becauſe they eaſed the people of an intolerable burthen. And if from the Grecians, we will paſſe ouer to the Latines, Appian ſaith, that [h] The auncient Romans abhorred vſurie, euen as did the Grecians. And Cornelius Tacitus ſaith of it, [i] *Cohibebatur antiquis, & minus corruptis moribus*: It was reſtrained in auntient times, when manners were leſſe corrupted among them. And the reaſon why they abhorred vſurie (ſaith Appian) was this, [k] Becauſe it was a trafique, very burdenſome to the poore, and a thing that miniſtred matter of ſtrife and enimitie. Wee

c *Plato de leg. lib. 5.*
d *Aret. Prob. part. 1. loc. 50. de Vſuris.*
e *Ibidem.*
f *Io. Northbrooke poore mans garden.*
g *D. Wilſon. in epiſt.*
h *Appian. Alexand. Rom. hiſt. de bello. ciuil lib. 1.*
i *Cornel Tacit. annal. lib. 6.*
k *Appian. Ibi.*

reade

Romaines misliked vsurie. All nations mislike vsurie.

reade further cõcerning the histories of the Romaines, that [l]Cato freed all Sicilia of vsurie. [m]Genitius the Tribune made a decree against vsurie. [n]Iulius Cæsar toke order that creditours should be payed, *deducta summa aris alieni, si quid usuræ nomine numeratum, aut præscriptum fuisset*: deducting that summe of money out of the debte, which did arise or growe due for vsurie. And if from the Latines, we will proceede to take a view of other nations: we shall see, that they also haue condemned vsurie. [o]The Persians liked it not, *Vt non aliena à fraude & mendacio*: as a thing which they thought caried with it lying and deceipte. The Indians liked it not, [p]*Indi ad usuram pecuniam non locant*: the Indians put forth no money to vsurie. The Frenchmen liked it not [q]S. Lewis the king of Fraunce, returning home from Damcata, [q] a citie in AEgypt, sometimes called Memphis.) Commaunded all vsurers, Iewes, Diuers, or gamesters, and blasphemers of God, to depart, out of his kingdome. The Englishmen neuer liked it: though sometimes they haue tolerated it, to auoyde a greater inconuenience. Before the conquest king [r]Edgar, and Saint Edward (as they called him:) since the conquest, king Edward the first, and diuerse others: and of late memorie king Edward the sixt, did quite and cleane banish it out of the lande, as after shall appeare. In a worde, Not onelie the lawes of God, *verum etiam sapientissimi quique legislatores, & Philosophi* (saith Bodine,) but also all wise lawgiuers, and Philosophers haue vtterlie condemned vsurie. Now (to make an ende at length) shall we thinke, that men of all ages, countries, and languages, who haue been so prouident to plante, and to continue the estate of common wealths: and who by their prouidence, haue in their times raised their countries, and kingdomes, vnto a wonderful and glorious estate: haue all voted with a generall consent,

l *Aret. prob. part. 1. loc. 50. de Vsuris.*
m *Luther. de tax. and. Vsur. tom. 7.*
n *C. Suetonius. Iuel. Cæsar. cap. 42.*
o *Appian. rom. hist. de bel. ciuil. lib. 1.*
p *AElianus Var. hist. lib. 4. cap. 1*
* *Cent. 13. cap. 7.*
q *Io. Boemus Aubanus de ritibus gentium. lib. 1. cap. 5.*
r *D. Wilson. fol. 64.*
s *Bodinus de repub. lib. 5. cap. 2.*

judge and

The vsurer obiecteth that only extreame vsurie consumeth.

and bene vtterly deceiued in this one case of vsurie? or shall we not rather thinke, that these men saw in reason a marueilous inconuenience, arising from this kind of bargaining, which inferred a destruction vpō their gouernement and countrey: which if men in carnall reason did finde out by experience, no marueile though God who is the planter, preseruer, and approuer of cōmon weales, hath wholly forbidden it in the word.

I might now proceede to another argument, but that me thinkes I heare the vsurer thus replying against that which hath bene last deliuered. It is true indeed (will some men say,) vsurie is able to ouerthrow, and sometimes (I confesse) it hath ouerthrowen whole families, yea whole countreys, and kingdomes: but that is immoderate, extreme, oppressing, griping, and byting vsurie. So as hence it follo weth not, that this should bee ascribed as an ordinarie effect to euery degree, and measure of vsurie. To which I answere, that it is true indeede, vsurie the lesser it is, the lesse it hurteth: the greater it is, the sooner it consumeth. As poison the weaker it is, the longer nature resisteth it: and the stronger it is, the sooner it killeth. And as a burden the heauyer it is, the faster it wearyeth, but a light burthen (saith the Prouerbe,) will proue heauy with farre carryage: so is it with vsurie, the greater, and the smaller, both eate and consume, but the first in the shorter, the last in the longer continuance. But let vs examine from experience (which is the foundation of wisedome,) if the measure, and moderating of vsurie, be able to make it commodious to a state: And if in the greatest moderation that can bee made of so bad a practise, it haue not proued the decay of families, and common wealthes, as haue bene before expressed. We read that Iustinian ordeined by his decree, [1] that noble men might let for foure in the hundred, marchants for

[1] L. eos. c. de vsuris.

eight

Vsurie hath beene moderated. V and yet hath hurt.

eight in the hundred, Aduenturers for twelue in the hundred, all other common persons for fiue in the hundred. Long before Iustinian, u Alexander Seuerus rated vsurie at foure in the hundred. Long before him, Antonius Pius the Emperor x did humanely lettermatter for fower in the hundred: *Vt plurimis adiuuaret*, that hee might relieue many: and by his practise, as it were pull downe the higher price of vsurie. Long before them all, y V. Publicula, M. Rutilius, Hortensius the dictator, and others moderated vsurie in Rome. z Lucullus restrained the vsurers in Asia: And a Tullie in Sicilia. Yea when the Romanes were in their flourishing estate, b they decreed by their 12. tables, that no man should take aboue one ounce (that is one pound) in the hundred. *Dein, rogatione tribunitia ad Semuntias redacta*: Afterwards, at the intreatie of the tribunes, it was allowed to an ounce and an halfe, that is, thirtie shillings in the hundred. But yet for all that, *Postremo vetera usura* (sayth Tacitus) they haue the inconuenience of that moderated vsurie, to proue so great, that at the last all vsurie was forbidden, that is, c *Sublatum omne fœnus*, All kinde of vsurie was cleane taken away: for so Lipsius in his annotations doth expound him. And yet, as the world goeth now, one and an halfe in the hundred, is but a very meane and reasonable rate. And as it was among the Romanes, so haue we had a taste of it in this realme of England. In the daies of Henrie the eight, d vsurie was tolerated to tenne in the hundred: and these Alcyon daies of Queene Elizabeth, e haue permitted it in the one case of Orphanes. Thus princes haue from time to time done that, which onely they could doe: and that is this, *Fœnoris modum certum constituunt*. They prescribe a certaine measure, and set as it were certaine bounds, and limites to vsurie. But haue they beeneable

u *Aret. Prob. part. 1. loc. 50. tit. de Vsuris.*
x *Ibidem.*
y *Luther de Taxand. Vsura tom. 7.*
z *Aret. Prob. part. 1. loc. 50. tit de Vsuris.*
a *Cicero epist. ad Atticum lib. 5. epist. 20.*
b *Cornel. Tacit. annal. lib. 6.*
c *Iust. Lipsius annot. in Cornel. Tacit.*
d *Anno 37.*
e *Anno 13.*
f *Bez. annot. in Mat. 19. 8.*

Vsurie outethoweth common weales. Vsurie to be generally forbidden.

by this moderation of ten, or eight, or sixe, or foure, or three, or one in the hundred, to preuent the decay, and subuersion of the comminaltie? No. We see the Empire of Rome, is at this day rather a shadowe and a name, then in deede and in trueth, an estate of authoritie. And for our selues, let vs obserue, if since the repealing of King Edwards statute, the number of poore haue not increased in euery towne, if the prices of all thinges haue not risen, if the wealth of the countrie be not growen into few mens hands, if the vsurers trade be not at this day the only gaine of England. And therfore although I wil not take vpon me to censure the estate nor statute now in force, (for I know that policie must tolerate those things which cannot bee abolished:) yet I doubt not, but I may say as D. Wilson hath sayd before me, [g] I like King Edwards statute best of all: As that which commeth neerest to the word of God, and therefore carieth with it the most hope of blessing to a christian common weale. In which regard may that truely be spoken of Bodine, [h] *Tutius est vsurarum non modò radices, sed etiam fibras omnes amputare: neque id reipublicæ, nec corporibus vllis, aut collegijs, vlla vtilitatis, aut pietatis specie permittere.* It is the safest way to cut off (or to pull vp) not only the greater rootes, but also all the small strings of vsurie: and not to permit it to the common weale, or any corporations, or colleges, vnder any pretence of commoditie, or godlines. Let then (at length) the conclusion of this third argument be this. Bullinger sayth, [i] *Damnatur vsura in Scripturis, quatenus coniungitur cum iniquitate, & pernicie proximi:* Vsurie is condemned in the scriptures, so farte as it carieth with it vnrighteousnes, and hurt to a mans neighbour. Now of that nature and qualitie is all vsurie. It carieth vnrighteousnes with it, by reason of the inequalitie in bargaining. For what can be more vnrighteous

g D. Wilson. fol. 69.

h Bodin. de repub. lib. 5. ca. 2.

i Bullinger. decad. 3. serm. 1.

Vsurie is against the lawe of nature.

teous, then for a man to exacte gaine for that which is none of his owne: or to take two recompences for one and the same thing: yea, I may adde the third reason, to those two of the schoolemen. What can bee more vnrighteous in bargaining, then for the one partie to take all the paines, and the other none: for the one partie to beare all the hazard, and the other none: and yet he that taketh no paines, and beareth no hazard to be certaine of a sufficient increase, when the other is sure of none: by reason of which vnrighteousnes and inequalitie in this kind of contracting, we see how vsually and ordinarily families are decayed, & kingdomes ouerthrowen. And therfore no marualle if God whose prouidence watcheth ouer euery kingdome, yea ouer euery familie in the world, hath so euidently and so expresly condemned it in the word.

The fourth, and the last argument which I meane to vse against vsurie, shalbe drawen from the vsurers themselues. For this is not the least that can be sayd against it, namely that it is a practise which is iudged and condemned in the vsurers owne conscience. And that may appeare by diuerse and sundry reasons. First, they will not willingly be knowne to be vsurers: no some of them will protest and sweare deepely that they are no vsurers. And that they may not bee knowne to bee such as they are, they will either lende very closely, requiring faithful secretie of the borrower: or they will colour their lending vpon vsurie, with the pretence of some lawfull contracte, or they will when they haue couenanted for gaine, take certaine notes, or (as I may cal them) certaine letters pattens, consigned with the borrowers hand, in which he shal make it knowne to all men by those presents, that the vsurer hath lent him freely, and without any motion

4. The fourth reasō against vsurie: it is contrarie to the lawe of nature.

Vsurers are convicted in their owne consciences.

of increase. Secondly, that their owne consciences doe condemne them in their profession, may appeare by this also: namely, that though they bee knowne, and reputed to bee common vsurers, yet they take it a great disgrace to bee so called and tearmed of others. Yea, and whereas other men haue names and titles giuen them from their trades, by which they are commonly written, and distinguished: as, such a man marchant, mercer, grocer, taylor, cordiner, and such like: there is none of this trade, but doth both in speaking, and writing, disdaine (nay abhorre) the name and title of an vsurer. Thirdly, that in their consciences they finde this to bee no lawfull practise, may appeare, in that they dare not call a spade, a spade, nor vsurie, vsurie. But whereas we are wont to say in our common and grosser speech, such a man, or such a man taketh vsurie: they say in somewhat a finer phrase, hee taketh vsance, or he taketh interest, or he taketh consideration: as being indeede ashamed of the direct name of vsurie. Now what doth the seeking of such couerts argue, but that themselues in themselues are condemned for their dealing. What euen as S. Paul sayd of an heretique, that hee *k Sinneth being damned of his owne selfe*, because *l* with an euil conscience or against his conscience, hee sinneth willingly, and of set purpose, (for so M. Caluine speaketh vpon that place:) so I am afraid it may bee sayd of a number of them, that in their sinning, they are condemned of themselues: because wittingly and willingly, they follow a practise, contrary to the checke, and touch, and light of their owne conscience.

k Titus 3.11.

l Calvin Com. in Titus 3.11.

m Philo. Gregor. Theol. citantur à Io. Langio. in Iust. Martyrem, de vita christiana tom. 3.

n Calvin instit. lib. 4. cap. 10. sect. 3.

Now let vs a little consider what this conscience is, which thus checketh them, and casteth shame vpon them in their doing. The learned writers both olde, and new, haue called conscience, *Forum*, A court, or indge-

Conscience, what. Lawe of nature, what

iudgement seate, and *Consistorium*, A consistorie? because in it men are conuented, accused, examined, acquited, or condemned, as before the iudgement seate of the magistrate, or consistorie of the church. Wherefore the Apostle speaking of the heathen sayth, that o *Their consciences do beare witnes to them, & their thoughts doe accuse, or excuse one an other.* Yea, to proceede further, Basile calleth conscience, p *Naturale iudicatorium.* The naturall iudgement seate, or the iudgement seate of nature: because (as I take it) the lawe which passeth and ruleth in this courte for currant, is not onely the written worde of God, where it is knowne and receiued, but also the lawe of nature, which (as the Apostle sayth) is q *Written in their heartes.* Well then: the vsurers consciences doo accuse and conuict them. And what are their consciences? iudgement seates erected of God in their heartes, in which the lawe of nature doth rule and pronounce sentence vpon them. And what is this lawe of nature? Bullinger sayd, r *Est dictamen conscientiæ, adeoque directio quædam, ab ipso Deo hominum animis & cordibus insita, admonens quid vel faciant, vel omittant.* The lawe of nature is the verdict of the conscience, and a certaine direction of God himselfe, ingrauen in the mindes of men, teaching them what to doe, and what to omit. The great Schooleman sayth, it is, s *Participatio legis æternæ, in rationali creatura:* The participation of the eternall lawe of God, in the reasonable creature. Others say it is, t *Sententia communis, cui omnes homines pariter assentimur, atque adeo quam Deus insculpsit cuiusque animo, ad formandas mores accommodatam.* The lawe of nature, is the common rule, whereunto we all assent, & which God hath ingrauen in euery mans minde, for the direction of his life. From all which sayings, this one thing may certainely be concluded, namely, that the law of nature is the worke and instinct of God: as

o Rom. 2. 15.

p Basil. in princip. Prouerb. citatur à Tho. Aquin. Summa part. 1. quæst. 79. art. 13.

q Rom. 2. 15.

r Bullinger. Decad. 2. ser. 1.

s Tho. Aquin. 12ª quæst. 91. art. 2.

t Musculus loc. com tit. de legibus cap. 3.

Vsurie against nature. in what sence.

u *Ibidem.* Musculus also proueth by these argumentes. u First, because it approueth good, and condemneth euill. Secondly, because it is not attained by learning, and art. Thirdly, because it is agreeable to the written worde. Well then: I inferre thus much vpon the premisses. The law of nature is put into vs of God, and this lawe of nature is the squire of the conscience: and the conscience of the vsurer condemneth him of euill: *Ergo*, he and his practises are condemned of the lawe of nature, which by the instinct of GOD ruleth in his heart. Now if it be condemned of the lawe of nature: no marualle though it bee forbidden in the written worde. For what difference is there betweene the lawe of nature, and the written worde, but this, that the latter is as it were a termination, and specification of the former: and the one was written in tables of stone, but the other is ingrauen in the heartes of men?

And in this sence no doubt, that may truely be affirmed which I meete withall in the writtings of many learned men, and which it seemeth they haue all drawne from Aristotles fountaine: namely that vsurie is x *Contra legem naturæ*, contrarie to the lawe of nature. Not so much because it is against nature, for money to begette money, (in which sence one saide that vsurie was y *Sodomia naturæ*, a kinde of Sodomie in nature:) but because it doth contrarie the verdit of the conscience, and so by consequent the lawe of nature, which ruleth in the same. And that it is contrarie to the lawe of nature may further appeare: because not onely the gentiles z who doe derive all their streames of vertue from that lawe of nature, haue condemned it in their writtings: but also, because diuerse christians which are ignorant of the worde in this case, or knowing it, doe either despise it or make exception against it: are notwithstanding from the light of nature teaching in

x *Aristot. Polit. lib. 1. cap. 10.*

y *Hugo Cardinalis in Psal. 15.*

z *Io. Wigandus. Syntagma part 1. colum. 45.*

their

their consciences, compelled to hang downe their heads at the very naming of vsurie.

Let this then bee the conclusion of the second parte of this treatise: seeing that vsurie ouerthrowth the nature, and equitie, and vse of lending: seeing it ouerturneth charitie, and the rule of charitie, doe as thou wouldest be done vnto: seeing it carieth with it so much inequalitie, as it is by that meanes the vsuall ouerthrowe of priuate families and publique estates: lastly, seeing it is by the light of nature iudged, and condemned for euill in the vsurers owne conscience: no marualle though the word of God, haue so manifestlie, and so often forbidden it as a wicked, and vnrighteous practise.

The ende of the fourth Sermon preached Iunij 4. 1593.

The

The fift Sermon, beginning the third principall and generall poynte of this treatise.

For this Sermon handleth the speciall obiections, which are wont to be made out of the places of Scripture before alleadged, for the defence of some kinde of vsurie.

As namely that:

1. *The lawes that condemne vsurie in the worde are onlie iudiciall, not morall.*
2. *The lawes of vsurie haue receiued exception.*
3. *They forbid onely lending vpon vsurie to the poore.*
4. *They condemne onely biting vsurie.*

Vnto which obiections diuerse answers are seuerallie made in this Sermon.

THere is no Scripture so euident, but it hath been, or may bee misconstrued: neither is there any trueth, so cleare and bright, whereupon the inuention of man may not cast some cloudie darkenes. That neuer appeared more euidently, in any one thing, then in this case of vsurie. For although those places of Moses, before alleadged, out of the bookes of Exodus, Leuiticus, and

The morall lawe is bounded with equitie and humanitie.

and Deuteronomie, be as plaine, as plaine may be, and such against which, antiquitie never tooke exception: yet are there euen out of those scriptures, obiections made, and reasons deuised, for the approbation of some kinde, and measure of vsurie. As for the purpose.

Obiect. 1. First, it is obiected, that [a] the lawe of Moses concerning vsurie, is politicall onely: *Ergo, illa non tenemur, vltrà quàm equitas ferat, & humanitas*: therefore wee are not bound vnto it, further then equitie, and humanitie permitteth.

1. The first obiection in defence of vsurie: the lawe of Moses is onely politicall.

a *Calum epist. resp. de Vsuris.*

Answer. To which obiection, I answer: first, that this is a very causeles *Ergo*, an inference, & illation, made without cause: the lawe is politicall, *Ergo*, we are not further bounde vnto it, then equitie, and humanitie will beare. For, although those lawes of Moses be acknowledged, and confessed to be morall, yet euen then, they binde vs no further, then equitie, and humanitie will permit: the morall lawe, being in it selfe, the patterne, and squire of all equitie, and humanitie among men. And that may appeare, by other precepts, and commaundements of Moses, of which no man euer doubted, but they were branches, and members of the morall lawe: and yet they binde vs no further, then equitie, and humanitie doe require. As for example, this is a branch of the morall lawe: [b] *Thou shalt rise vp before the hoare head, and honour the person of the olde man*: and yet, a prince that is a childe, is not by this lawe bounde to rise vp, or to stoope downe, to an olde man, that is a beggar. Why so? *Æquitas non fert, & humanitas*: Equitie, and humanitie will not beare it. Againe, this is a branch of the morall lawe: [c] *Thou shalt take no gift, for the gift blindeth the wise, and peruerteth the wordes of the righteous*. And yet, is it not simplie vnlawfull, for a Magistrate, to take a gift of a stranger, or of a neere

b *Leuit.* 19. 32

c *Exod.* 23. 8.

Moſt learned men hold the Lawes of vſurie for morall.

neighbour, which hath no cauſe like to come before him, or of him, whoſe cauſe hee hath diſpatched, with ſpeede and righteous ſentence. And why? *Equitas ferit, & humanitas*: equitie and humanitie will permit it. Againe, this is a branch of the morall lawe: d *If hee, that hateth thee, be hungrie, giue him breade to eate, and if he be thirſtie, giue him water to drinke.* But now, what if mine enemie, be alſo a malitious proffeſſed enemie to God? What if my liberalitie, bee like to miniſter fewell to his malice? What if I cannot both feede him, and my ſelfe, or my familie? then, am I not bounde, to eaſe and relieue him. Why? *Equitas non ferit, & humanitas:* Equitie and humanitie, will not beare it. So then, this is a very cauſeles, and vnneceſſarie inference: the lawe of Moſes is politicall: therefore we are not bounde vnto it, further then equitie, and humanitie will permit. For, though the lawe of Moſes, concerning vſurie, be confeſſed to be morall: yet muſt equitie, and humanitie, preſcribe bounds, and limites thereunto.

d *Pro.* 25. 21.

But, further I anſwer, for the diſcuſſing of this queſtion, that, I ſee no reaſon, why thoſe precepts of Moſes, concerning vſurie, ſhoulde be reckoned among the iudiciall, and not among the morall lawes. For firſt, ſure I am, that moſt learned men, of all ages, and of all kindes, haue numbred them, among the morals, and alleadged them, and ſpoken of them, in their writings, as of morall lawes. As for inſtance, (to goe no further, then mine owne reading) among the Fathers, Baſile, Chryſoſtome, Clemens Alexandrinus, Gregorius Niſſenus, Origen, Ambroſe, Ciprian, Auguſtine, Hierome and others: among the ſchoolemen, Thomas Aquinas, Peter Lombard, Dioniſius Carthuſianus, Gabriel Biel, Lira, Rainerus, Aquileius, and others: among the late writers, Luther, Melanchthon, Brentius, Muſculus, Chemnitius, Aretius, Hemingius, Wigandus, Zegedinus,

nus, Molanus, Vrguerius, Wolphius; and a number of others: who do all, in their writings, speake of this argument, as of a morall dutie, and alledge those places of Moses, as morall lawes.

And whereas here it may bee replyed, that diuerse godly men, of rare learning, & singular iudgement, as Caluin, Bucer, Bullinger, Danæus, Lauater, Carolus Molineus, and some others, haue iudged those lawes of Moses, to be but Iudiciall, and therefore haue tolerated, yea approued some kinde of vsurie: to this I thinke good, not to answere, without some Preface, and preamble vsed in their behalfe. I doe acknowledge (and that vnfainedly) that these men haue beene great lights, to dispell the darknesse of this latter age, and to be such, as from whose opinion, and iudgement, I do not dissent, without some feare, and suspition of my selfe, nor without great reuerence yéelded to them: and after a sort, leaue, and pardon, and license craued of them. Especially M. Caluin: who for his paines taken in the Church of God, may bee truly called, (as not long since he was called, in this towne) [e] venerable or honorable Caluin, whose [f] modestie, humilitie, sobrietie, learning, and iudgement, they do highly reuerence, that differ from him in some opinions: and whē they speake the least of him, dor giue this verdict, that [g] he was surelie an excellent man. For mine own part, I doe so honour the soundnesse of his doctrine, and the excellency of his gifts, that I highly thanke God that euer his bookes were extant in the world: and I wish that I had (with B. Iuel) the art of memory, so as I might bee able to repeate at my fingers endes, [h] (as he could very roundly) not onely Caluins Institutions, but all the treatises, and Commentaries, and Epistles which hee framed. And I say as a learned man sayd of our time, [i] That which Fabius saith of Cicero, that

e M. B.
f Survey of the pretended discipline pag. 63.
g Idē. pag. 127.
h L. Humfred in Vita Iuel. pag. 256.
i Bastinguius admonit. to the reader before his comment. vpon the Catechisme of the Couratic Palatine of Rhine.

haue I alwayes applyed to that writer ? let him know that hee hath profited much, who is much delighted in M. Caluin. And although if a man should call me a Caluiniste, (as the Papistes call vs all in disgrace) I would say with Zanchius, [k] *Caluinianum me esse pernego*, I deny to beare the name of a Caluiniste, more then of a Lutheran, or a Zuinglian, or some other. For (as hee there also saith,) *Christianus sum*, my title and stile which I beare is to be a Christian: yet as Tullie professed that he had rather erre with Plato then hold the truth with others: so, if it were lawfull to erre with any mã, I would erre with M. Caluin. And I had rather hold with him in some things which ẏ world iudgeth to be errours: then professe many thinges, which contrary to him the Papists and others haue deemed to be truth. But The good Homer sometime fell on sleep: and Bernhard himselfe sawe not all thinges: and M. Caluin being but a man, had in this point his ignorance and errour after the manner of men. His heresie I dare not call it, though I am not ignorant that some affirme [l] vsurie to be heresie: and one saith that, [m] It is heresie to deny vsurie to be a deadly sinne. Yet (I say) his heresie I dare not call it, (as some haue aduentured to doe of late,) partly, because that hee did not [n] obstinatly defend it, as it appeareth by his Epistle written of that argument: and partly because that this opinion of vsurie, neither concerneth any article of faith, nor any thing which by consequence followeth vpõ an article of faith: both which must cõcurre [o] by the iudgemẽt of diuines to the constitution, and naming of an heresie. But his errour I hope I may cal it without offẽce, not onely because my selfe (which is little) doe deeme it so to bee: but also (and much rather) because hee, and the rest of his opinion, are in this point surcharged with a multitude of learned men, of the contrary iudgement,

k *Zanchius Miscelan. epist. ad Lantgrauium.*

l *Archidiaconus 31. quest. 1 Card. Cle. 1. de vsur. citantur a Wilsono. fol. 144.*

m *Martin. ab Aspilcuet enchirid. cap. 17. numero. 207.*

n *Caluin. epist. respons. de vsurie tantum abest vt istud pro edicto vel axiom. haberi velim. &c.*

o *August. de ciuit. Dei. lib. 18. cap. 51. Thom. Aquin. 22ª. quæst. 11. articulo. 2. Pet. Martyr. loc. com. clas. 2. loc. 4. sect. 50.*

as

Multitude must not be followed. Caluine is vainly pretended of vsurers.

as hath bene before declared. For a man may say in this case with Alciate, p *Omnes militant in casu nostro:* all men (almost, or in comparison) fight vnder our banner, or are of our opinion. Yea, and because S. Hierome sayd well, q *Non statim multitudini acquiescamus iudicio*, we must not presently, (without further consideration) rest vpon the iudgement of the multitude: therefore, it is still to be added, that they are ouercome, not onely with the greater number, but also with the better arguments. And thirdly it must be noted, that Caluin and Bucer and others of that iudgement r did (as D. Wilson hath well obserued) somwhat inlarge this law by a charitable exposition, partly for the hardnesse of mens harts, and partly for veric necessities sake, to helpe the needie banished men then dwelling among them. In which cases we see that God himselfe hath yelded much to the weaknesse of men. For because of the hardnesse of mens harts, s God permitted a bill of diuorce to Israell, beyond the bounds of the seuēth commaundement. And in respect of necessitie, Dauid t is tolerated eating of the shewbread, which otherwise was not lawfull for him to eate, neither for them which were with him, but only for the u Priests. Lastly (to make an end of this point) me thinketh, any vsurer should bee ashamed to alledge in his defense the opinion & authoritie of M. Caluin: considering that, first, they approue not his iudgement in a number of other things, and therefore in this may be iustly suspected to bee partiall: secondly, because none of them will obserue the lawes and circumstāces, which he hath prescribed in this case of vsurie: thirdly because Caluin himselfe when he hath deliuered this opinion of vsurie, requireth that x no man stand vpon his iudgement for the full and absolute determination of this controuersie. And therefore vainely, and vniustly is M. Caluin

p *Andreas Alciat. responſ. lib. 1 conſil. 3. ſect. 12.*

q *Hierom. cōment in Eſay. cap. 3.*

r *D. Wilſon. fol. 179.*

s *Deut. 24. 1. Mat. 19. 7. 8.*

t *Mat. 12. 34.*

u *Exod. 29. 33. Leuit. 8. 31.*

x *Caluin. epiſt. reſponſ. de vſuris.*

Vsurie is forbidden with breaches of the morall law.

ascited, as a Patron of their vnlawfull practise.

But, to returne thither from whence I haue a little digressed: it is not otherwise like, but that the preceptes of Moses concerning vsurie, are partes and parcels of the morall law. For Dauid in the 50. Psalme [y] reckoneth it among morall duties. And Ezekiell in one place hedgeth it in, with [z] Briberie on the one side, and with defrauding of our neighbour on the other: which are both notorious breaches of the morall law. And in another place, he combineth vsurie, and Idolatrie togither. For so I read that place with Tremellius (*per appositionem*) in his 18. chapter: [a] *ad stercoreos deos attollat oculos suos abhominationem faciens, in vsuram det, & fœnus accipiat*: hath lift vp his eyes to Idols, committing abhomination. (And then it followeth immediatly in the next verse) giueth to vsurie and taketh increase. Of which coupling of those sinnes in that place togither, S. Ambrose hath thus obserued, [b] *vide quomodo fœnatorem cum Idololatria copulauit, quasi crimen æquaret*: note (saith he) how the Prophet in this place, hath coupled an vsurer with an Idolater, as if vsurie did match or conterpoyse the sinne of Idolatrie. Now, who knoweth not, that no breach of the Iudiciall law is equall to Idolatrie, and that Idolatrie is one of the greatest trespasses against the morall law? If therefore vsurie doe in any measure answere Idolatrie, it will follow from thence, that the committing thereof, is a breach of the morall law.

y *Psal.* 15. 5.

z *Ezek.* 22. 12

a *Ezek.* 18. 12. 13.

b *Ambros. lib. Tobia. cap.* 15.

Besides, I see no reason why the lawes concerning vsurie should not be reputed and taken for morall, as well as those which concerne Incest: of which no diuine (to my knowledge) euer doubted, but that they ought to abide perpetuall and inuiolable, as preceptes of the morall law. For, if it be obiected that the lawes of vsurie haue receiued some exceptions: it is euident that the

The lawes of Incest had their exceptions.

the lawes of Incest haue receiued exceptiõ and dispensation also. In the time of the law, a one brother was permitted (nay commaunded,) to rayse vp séede vnto another, deceasing without issue: cõtrary to that law which sayd, d *thou shalt not discouer the shame of thy brothers wife*. Yea, in the first beginning e creation of the world, (when not withstãding) ẽ morall law was writtẽ in Adãs hart, the lawes of Incest receiued manifest exception. For the text saith, that e *Cain knew his wife, which conceiued and bare Henoth*. Now whom could he know for a wife, or of whom could hee beget children at that time, but either of Heuah his owne mother, or of some of her daughters, his owne sisters? For f *Heuah was the mother of all liuing*: and Caine was her eldest sonne in the first generation. Now, to say that Caine knew his mother, is vnlauery, and a Paradoxe: the other therefore followeth of necessitie. And it is certaine, that besides their sonnes Caine and Habell g *natæ sunt eis etiã filiæ* (as Iosephus speaketh) there were also daughters borne vnto Adam and Heuah, howsoeuer they be not mentioned (because there was no great occasion to mention them in the Scriptures. So then of a daughter of Adam which was Caines owne sister, did Caine make a wife and beget issue, cõtrary to that law which sayd, h *Thou shalt not discouer the shame of thy sister, the daughter of thy mother*. Such exceptions therefore had the lawes of Incest of which notwithstanding no man euer doubted, but that they were branches of the morall law. And if any man will obiect against this instance of Caine, that the law of Incest was to be broken in the first creation for very necessities sake: I answere, that it being graunted that God would create but one man and one woman in the beginning, and that by them alone hee would propagate mãkind: it was of necessitie to fall out, that men must

a *Deut.* 25 5,

d *Leuit.* 18. 16

e *Gen* 4. 17.

f *Gen.* 3. 20.

g *Iosephus antiquit. Iudaic. lib.* 1. *cap.* 3.

h *Leuit.* 18. 9.

come

Incest received exception. The reasons against vsurie are morall.

come nye to the kindred of their own flesh to vncouer their shame, i contrary to the law. But this was *necessitas ex hypothesi*, necessitie by supposition, not simple nor absolute as the Logitians speake. For what necessitie could compell God, to create onely one man and one woman, to bee the fountaine of mankinde, when k *he had abundance of spirite* (as the Prophet speaketh,) and could as easilie haue made many women of many ribbes, yea many women of one ribbe, as hee made one Heua of one bone to be the mother of vs all. I conclude therefore *a pari* from the comparison of the equall. The lawes of Incest are morall, and yet haue receiued sundry exceptions: & why not then, likewise the lawes of vsurie: howsoeuer they receiued sometime some such exception, as can no way exempt them from the compasse of the morall law? But that remaineth afterwardes to be declared.

i *Leuit.* 18.6.

k *Malachy.* 2. 15.

Lastly for this first obiection, the very reasons which God annexeth as appendices or appurtenances to the lawes of vsurie, may euince them to be morall. For the Lord sayth in Exodus, l *Thee shalt not oppresse him with vsurie.* Now to oppresse thy neighbour, is against the morall lawe: and therefore if vsurie bee oppression of thy neighbour (as after shall bee shewed) then without question vsurie is against the morall law. Againe, Moses alledgeth this for a reason why GOD forbiddeth a man to take vsurie of his brother: m *So* (saith he) *shalt he liue with thee*, that is, so shalt hee bee able in some measure, to support his outward estate: yea, *that his life may be with thee*, for so n Tremellius obserueth it to be read *verbatim* from the Hebrue. Now, to doe, or not to doe a thing by which thy brothers good estate may bee furthered, or hindered, or by which his life may bee shortned, or prolonged: are things, the forbidding, or commaunding whereof belongeth to the morall

l *Exod.* 22. 25.

m *Leuit.* 25. 35

n *Tremel. annot. in Leuit.* 25. 35.

Morall lawes haue receiued exception.

morall lawe. And therefore in consideration of the premises, I conclude it to bee mine opinion (submitting my reasons to them that are able to confute these, and to alleadge better to the contrarie) that the precepts concerning vsurie deliuered by Moses, and afterwarde reuiued by the Prophets, are essentiall branches and parts not of the iudiciall or politicall lawe, which was proper to those times and that nation of the Iewes: but of the morall lawe of God, common to all the nations, and times, and countries of the world: and so consequently to be kept inuiolablie, and without exception of vs and of the generations to come.

Obiect. 2. But it is secondly obiected that the lawes touching vsurie cannot be morall because they haue receiued speciall exception, yea and by them vsurie is in some case suffered and permitted. For Moses saith, Deut. 23. o *Extraneo fœneraberis*, vnto a stranger thou maist lende vpon vsurie. Now, the dueties of the morall lawe, are the same to a stranger, that they are to our nearest friende: and therefore sith vsurie is forbidden to the one and permitted to the other, it seemeth that it is no transgression against the morall lawe. The second obiection in defence of vsurie: it was permitted to be exacted of strangers.

o *Deut.* 23. 20.

Answer. To this I answer. First, that it is no good argument to conclude in this manner: the lawes of vsurie receiue exception: *Ergo*, they are no parte of the morall lawe. For, besides the instance afore giuen of incest, it is manifest that many other morall lawes haue by the speciall dispensation of God the lawe giuer, receiued euident exceptions. As for example, this is a morall lawe: p *Remember the Sabbath day to keepe it holy.* And againe, *In it thou shalt doe no manner of worke.* And yet, q the Israelites are commaunded to march about Iericho in their armour, with the Priestes, and the arke caried before them, and to contemne their marching in that order, for the space of seuen dayes to-

p *Exod.* 20. 8. 10.

q *Iosua* 6. 3. 4.

Morall lawes haue had speciall exceptions.

together. One of which seuen, must of necessitie be the Sabbath, in which God had forbidden the Iewes, by the morall law to doe any manner of worke. Againe this is a morall lawe, r *thou shalt not kill*: and yet, s Abraham had a speciall commaundement to sacrifice his sonne. Againe this is a morall law, t *Thou shalt not steale*, & yet God u commaundeth the Israelites to borrow, with a purpose of robbing the Egyptians. Euen so, and in like manner, this may be a morall lawe, *Thou shalt not lende to vsurie*, and yet vpon speciall occasion receiue this speciall exception, *extraneo fœneraberis*, to a stranger thou maiest lend vpon vsurie. And no marualle for, if that be true which is saide in our common speech, the Prince is aboue her lawe, and wee see that she may doe, and doth many times, by her royall prerogatiue giue *mandatum*, and dispensation contrarie to the lawe: farre be it from vs to imagine, that GOD who is the most absolute Lorde of all the world, should not haue authoritie, to giue exception, and dispensation, euen to his morall lawe.

r *Exod.* 20.13.
s *Gen.* 22.2.
t *Exod.* 20.15.
u *Exod.* 11.2.

Secondly, I answer to this obiection: that in this speech of Moses, *vnto a stranger thou maist lend vpon vsurie*: wee are to consider what kinde of aliants, and strangers they were, towards whom the practising of vsurie was permitted. I am not ignorant, that some by the name of a stranger in that place, doe comprehende x all the nations and countries adiacent to Palestina, as Egypt, Syria, the Iles of the sea, and such like. Now, although I dare not resolutelie denie, but it may bee so, yet I am very hardly induced, and perswaded to beleeue that it should be so. Partly, because we haue not so much as one iot, or title in the Scriptures, that mentioneth any vsurie exercised betweene Iudea, and other countries: which it is not likely, the holy Ghost would altogether haue omitted, (if it had been so) to note

x *Caluin. serm.* 134. *in deut.* 23.

To what Gentiles, the Iewes might lend for vsurie.

note a difference of the Iewish traffique, betweene themselues and with other nations. And partly also, I can hardly condiscend to that opinion, because it is not easie to say, that *fœnus nauticum*, or billes of mart, or such like exchanges, were then vsed among marchants, as are now in vse and practise among vs: without which conueyances, or the like, securitie cannot be made betweene trades men, or marchants of diuerse iurisdictions. I doe therefore vnderstand with S. Ambrose, by the name of strangers in that place, y the Amalekites and Amorites, and the other nations of the Gentiles: which being not vtterly rooted out by the Israelites, at their first entrance into the lande of Canaan, grew vp and increased among them, to their incredible annoyance. So Paulus Fagius saith, that diuerse learned men conceiued of that place, z *Sunt quidam in hac sententia, quod hac vsura de qua hic agitur, solum conuersa fuerit Iudais, in septem illas gentes quarum vniuersam facultatem dominus Israelitis tradidit:* There are some of this opinion, that the vsurie here spoken of, was onelie permitted to the Iewes, to be exercised vpon these seuen nations, all whose goods God had giuen to Israel. In deede, I am right sure that Tremelius, and Iunius, doe so vnderstand that place. For they translate the text, *Extraneo isti dabis in vsuram*, a to this stranger thou shalt lend to vsurie: As if Moses had after a sorte pointed with his fingers to the strangers then in presence, and within the viewe of the eye among them. And so they doe also interpret that place. *Extraneo istis: viz. b reliquijs istis Cenahhæorum:* to this stranger, that is, to these remainders of the Canenites, thou mayst lend to vsurie, Yea, and they render in that their exposition, a reason why God permitted the Iewes, to exact vsurie of those strangers: *Illas enim deus exitio destinauerat, & paulatim consumi volebat:* for them God had ordained

y *Ambros. lib. de Tobia. c. 15.*

z *P. Fagius annot. in paraphras. Caldaic. in deut. 23. 20.*

a *Deut. 23. 20.*

b *Tremel. & Iun. annot. in deut. 23. 20.*

Vsurie was permitted to strangers, to consume them.

c *Deut.*7.22. to destruction, and would haue them consumed, and wasted away by little and little. Now, because he saw that vsurie was a meanes to humble them, yea, to waste them, and to eate them vp, therefore towards them he permitted vsurie. S. Ambrose hath a notable sentence of that speech of Moses, *Extraneo fœneraberis*, to a stranger thou maist lend vpon vsurie: d *Ibi (inquit) vsuram exige, cui meritò nocere desideras. Cui iustè infertur arma, huic legitimè indicantur vsuræ. Quem bello non potes facilè vincere, de hoc citò potes centesima vendicare te:* Of him (saith Moses) demaunde vsurie, whom thou willinglie desirest to harme. Against whom thou maiest take vp weapon, vpon him maiest thou lawfullie impose vsurie, whom thou canst not ouercome by force of armes in battaile, of him maiest thou soone ridde, and free thy selfe by vsurie. And againe, *Ab hoc vsuram exige, quem non sit crimen occidere:* demaunde vsurie of him, whome it is no offence to slay. And a little after: *Ergò vbi ius belli, ibi etiam ius vsuræ:* Therefore, where warre is lawfull, there onely is vsurie lawfull also. The sentence of Ambrose, importeth, that because it was lawfull for the Iewes, any way to annoy the gentiles, yea to leaue warre against them, yea to slea them, and to put them to death: therefore it was, that God permitted them to take vsurie of the strangers, that by this meanes they might the sooner be wasted & consumed. A prince may vse a condemned malefactor as her listeth himselfe. He may put him to grinde in the mill, to digge in the mines, to rowe in the gallies, or to execute any other slauish seruice. And why? For hee might slea him with the sworde, and take away his life. So, God might fullie giue ouer these gentiles to the violence, oppression, and vsurie of the Iewes: because hee had alreadie adiudged them as notorious malefactors to an vtter and finall subuersion. Now then, what maketh

d *Ambros. lib. de Tobia. c.* 15.

this

Vsurie permitted toward strangers, to auoide a greater euill.

this exception: *to a stranger thou mayest lend vpon vsurie*, for any man to inhaunce his lending vpon increase to his neighbour: whereas God permitted the practise thereof onely towardes those whom hee would haue to bee consumed, as one speciall meanes to further forward, and to hasten on their destruction. For it is as if God had spoken more plainly in this case or the like: thou shalt onely kill him whose blood I will haue to bee shed: thou shalt only steale from him, whom I would haue to be impouerished: and so, thou shalt onely take vsurie of him, whom I would haue to bee consumed. Such is the exception against the lawe of vsurie: and such onely is the case in which it was permitted.

Thirdly I answere vnto this obiection, that although in that place of *Deuteronomie*, there should bee comprehended vnder the name of stranger all the nations of the world; with which the Iewes had to deale in traffique: yet was it but *permissio minoris mali, ad maius euitandum*: the permitting of a lesser euill, onely to auoyde the greater. For hee was contented to permit taking of vsurie of a straunger, least the Iewes being couetously minded, should exercise that tyrannie towardes their owne brethren: and he was contented to permit them to lend for vsurie to some, least for want of gaine, they would haue refused to lend vnto any. As we see this to be the grieuous euill of these dayes, that because some men may not lend vpon vsurie, therefore they shut vp their compassion from lending at all. Chemnitius saith well, that [f] God in the old Testament shewed himselfe to be *& theologus & legislator*: he dealt both as a diuine, and as a lawgeuer or politician: As a Theologian or a diuine hee alwayes prescribed, that which was onely and perfectly good: as a lawgeuer hee did sometimes tolerate that, in respect of some circumstance, which was not simply, nor perfectly good of it selfe.

[e] *Lyra in Exod. 22.*

[f] *Chemnit. loc. com. tom. 2. tit. de paupertate. cap. 6.*

Vsurie taking of the gentiles was permissiuely granted.

selfe. *Vt in societate ciuili istius populi peiora vitarentur, minora quedam mala, non quidem approbauit, sed forensi & politico fine tolleranda permisit hactenus, quod per magistratum ciuilem non puniebantur.* As for example (saith hee) that some worser thinges might be auoyded, in the ciuill societie of this people of the Iewes: he did not approue, but tolerate, to a Politicall end, and purpose, certaine smaller euils, so farre onely that they should not be punished of the ciuill Magistrate. And therefore, M. Beza speaking of that same bill of diuorce, which Moses tolerated amõg the Iewes for the hardnesse of their harts, g doth exemplifie that fact of his, by that toleration of vsurie, which Magistrates, and Princes are compelled in these dayes to admit, for very necessitie. God as a diuine forbad both, but as a lawgeuer, he permitted both vnto his people.

g *Beza annot. in Mat.* 19.8.

And that this lending to vsurie to a stranger, was but *permissiuè concessum*, graunted onely by permission for a time, and not to endure for euer, may partly appeare by the confession of the Iewes themselues. For, h Galatinus reporteth out of their Talmud, i it was the iudgement of the Iewish Rabbines, that in that place of the Psalme, *He that hath not giuen his money to vsurie*, God did not onely forbid it towardes the Iewes: but *etiam ad vsuram Goi*, euen toward him, which was a Gentile. Therefore we see, that as Polygamie, or the hauing of many wiues, was long tolerated among the Fathers, but at the last, towardes the breaking out of the clearer light of the Gospell, it was euidently, and flatly condemned by k Malachie: so, howsoeuer vsurie towardes straungers was long and many yeares permitted among the Iewes: yet when the strangers began to bee worne out, according to the promise of God made vnto the fathers: then was it absolutely and generally condemned, first by Dauid as the Iewes themselues

h *Petrus Galatinus, de arcanis catholicæ veritatis libro.* 11. *cap.* 4.

i *Psal.* 15.5.

k *Malac.* 2. 15.

To what gentiles the Iewes might lend for vsurie.

selues confesse, and afterward more fully by Ezekiell, as appeareth in his prophecie. And therefore S. Hierome writeth thus vpon that place of Ezekiell: l *dicitur Deut. 23. fratri non fœneraberis, alieno fœneraberis. Sed vide profectum. In principio legis a fratribus tantum fœnus tollitur: in Prophetis ab omnibus vsura prohibetur.* It is sayd (saith Hierome) *Deut. 23. thou shalt not lend vpon vsurie to thy brother: but to a stranger thou shalt lend vpon vsurie.* Note herein the growing on, or the going forward of the law in perfection. In the beginning of the law, vsurie was onely forbidden to be taken of their brethren: in this Prophet, vsurie is forbidden towardes all men. And another agreeing with S. Hierome, writeth thus vpon the same place of Ezekiel: m *Ecce, hoc loco vsura generaliter prohibetur:* Behold (saith he) in this place of Ezekiell vsurie is forbidden generally, or simply, or altogether. *Vnde quod Moses concessit filijs Israel extraneis ad vsuram accommodare, permissiue fecit propter imperfectionem eorum: Quemadmodum & libellum repudij ipsis permisit.* From whence it may appeare, that Moses graunting the children of Israell leaue or licence to lend vpon vsurie to strangers, did it onely permissiuely, or by way of toleration, for their imperfections sake. As in like manner he permitted vnto them the bill of diuorce. Parents will tolerate much ignorance, much wantonnesse, much rudenesse in their children during the time of their nonage and infancie: Euen so vnder the Pædagogie of the law, & during the infancie of his Church, did God permit & tolerate many imperfections among his people: which now in these dayes of grace, and of the fulnesse of the spirite, ought as cloudes before the winde, to be dispersed and vanish away.

l *Hieron. com. Ezek. 18.*

m *Dionis. Carthus. com. in Ezek. 18.*

Fourthly, I answere that, that permissiue speech of Moses, *vnto a stranger thou mayest lend vpō vsurie*, yeeldeth no libertie to vs to exercise vsurie one towardes another.

All Christians are brethren. Proselites.

another. For asmuch as we are all brethren in Christ, and fellowe heyres together of euerlasting saluation. Clemens Alexandrinus hath a notable sentence to this purpose. n *Lex prohibet fratri fœnerari: fratrem nominans, non eum solum, qui est ex eisdem natus parentibus, sed etiam qui fuerit ejusdē tribus, ejusdemque sententiæ, & ejusdem verbi particeps.* The law forbiddeth to lend to vsurie to our brother, vnder the name of a brother comprehending not only him which was borne of the same parents, but him also which was of the same tribe, & of the same opinion, and partaker of the same word. Now, we are all spring out the same stocke, bred in the same countrey, profelling the same Religion, partakers all of the same word and Gospell. Yea, I may say with the Apostle o we are all one body, we haue all one spirite, one hope of our calling, one Lord, one faith, one baptisme, one God and father of all, which is aboue all, and thorough all, and in vs all. And therfore, if the Iew might but lend vnto a straunger vpon vsurie: it is more then Iewish for vs to exact it of a Christian.

n *Clemens Alexand. Stromat. lib. 2.*

o *Ephes. 4. 4. 5. 6.*

I might adde more reasons why God permitted the Iewes, to lend vpon vsurie to the straungers, as namely, p because the Israelites fed their own poore, so as they burthened no man: and yet besides that, they fed the poore straungers also. In consideration whereof, they might by this meanes take the better to beare their charges. Againe, they receiued Proselites which were conuerted from gentilisme as their owne, and fed them, nourished them, & maintained thē together with their owne people. For the better maintenance whereof, God gaue them this libertie to exact vsurie of the Straungers. But I neede not stand vpon these: for that is sufficient which is already answered concerning the second obiection.

p *Io. Wemsius in Deut. 23.*

Obiect

The poore, Gods speciall people, and specially prouided for of him.

Obiect 3. It is further obiected touching the scriptures before alledged against vsurie, that although they be graunted to be precептes of the moral law: yet they only forbid lending vpō vsurie vnto the poore and needie. As it seemeth may appeare by the very wordes of Moses himselfe. For hee saith in one place: *If thou lend to my people, that is to the poore with thee, thou shalt not be as an vsurer vnto him.* And Vatablus obserueth that these wordes, *to the poore with thee*, are put to expounde whom in that place he vnderstandeth by the name of his people: *nempe pauperes*, that is to say the poore. The poore they are only his people of whom hee will haue no vsurie to bee taken. And in another place he saith, *If thy brother bee impouerished, and fallen in decay with thee, then thou shalt take no vsurie of him.* By which places it may seeme, that so we lend not to a mā that is poore and needie, but to one that is riche and hath abundance, of him wee may take vsurie without breach of the law.

The third obiection, in defence of vsurie: it is onely forbidden to the poore.

q *Exod* 22. 25.

r *Vatablus annot. in Exod.* 22. 25.

s *Leuit.* 25. 35.

Answ. Now, to this also I answer diuerse and sundry wayes. First, I say with B. Iuel, t *Quæ est ista dialectica?* What manner of logicke or reasoning is this? A man may not take vsurie of the poore: *Ergo*, hee may take vsurie of the rich. This is a plaine *Non sequitur*, It followeth not in art. Let vs see the like in other examples. Salomon sayth in the Prouerbs, u *Robbe not the poore, because he is poore:* shall I thence conclude, *Ergo*, I may robbe the rich, because he is rich? Againe, the lawe sayth, x *Cursed bee hee that smiteth his neighbour secretly*: shall I thence conclude that it is lawfull for a man to smite his neighbour openly? so when Moses sayth, *Lende not to the poore for vsurie*: Doth it follow we from thence, therfore I may lend for vsurie to the rich? Nothing lesse: it draweth no consequence at all. And therefore Chemnitius hath very fully and plainely re-

t *L. Humfred. de Vita Iuelli pag.* 221.

u *Pro* 22. 22.

x *Deut.* 27. 24.

Forbidding of V. towards the poore, maketh it not lawfull towards the rich.

y *Chemnit. loc. com. part. 2. tit. de pauperta. cap. 6.*

Note that Chemnitius reckoneth them for the 5. and 7. which we reckon for the 6. and 8. commaundements: because he maketh the two first but one.

solued this doubt, y *Quod in quibusdam testimonijs pauperum fit mentio, eadem ratione fit, sicut in quinto & septimo præceptis plerunque nominantur viduæ, pupilli, pauperes, ne illis infertur iniuria.* Whereas (sayth he) in certaine testimonies of scripture concerning vsurie, there is mention made of the poore by name, that is done for the same reason, (or cause) for which in the fifth and seuenth commaundements the widdowes, orphanes, and poore folkes are commonly recited by name, that no iniurie should be offered vnto them. *Sed inde non sequitur, ergo iniuria qua fit coniugatis, adultis, potentibus, diuitibus, &c. non erit peccatum.* But (sayth he) howsoeuer God in the preceptes belonging to those commaundementes, make mention by name of widdowes, orphanes, and poore folkes: yet, is followeth not from thence, that an iniurie done to maried persons, to persons of full yeeres, to mightie men, to rich men, &c. is no sinne. Euen so is it in this case: howsoeuer GOD in the lawes of vsurie make mention of the poore by name, for some causes which afterwards shall bee alledged: yet it followeth not from hence, by any consequence of argument, that therefore to lend vpon vsurie to the rich, is no offence or breach of the lawe.

Secondly, to this point I answere, that howsoeuer in these places aforenamed, there is speciall mention made of the poore: yet in other places, where the same thing is forbidden, there is no mention, nor recitall of them at all. As Deut. 23. Psal. 15. Ezec. 18. and others. Yea, and it is not nothing to this purpose, that Iosephus iustifying against Appion the lawes and statutes of the Iewes, reciteth this for one, z *Mutuans non accipiat vsuras*: it is sayth he, a lawe among vs, that the lender shall take no vsurie: making no mention, or exception of the poore and needie at al. Now, why should those places which mention the poore by name, rather

z *Iosephus contra Appionem. lib. 2.*

restraine

Latter scriptures expound the former.

restraine the other which make no mention of them: then the other which make no mention of the poore, should inlarge those that name them especially, if wee consider that those places which mention not the poore, were the later written. Now, [a] *Posteriores libri, ideò fere scripti, vt priorum interpretes essent.* The latter bookes of the scripture were written somewhat to this purpose, that they might be interpreters and expositors of the former. And therefore, the latter written scriptures concerning vsurie, making no mention of the poore, may argue that the former scriptures are not to be tyed and restrained to them alone. [a] L. A.

Thirdly, I answer, that if the law of lending to the poore without vsurie, should inferre the lawfulnes of lending to the rich vpon vsurie: then it is euident that Gods intendement in those lawes for the benefite of the poore, should rather proue a hurt and hinderance vnto them: because by this meanes it would come to passe that the poore should not borrowe at all. For, who will lende to the poore for nothing, that might lawfully lend to the rich for vsurie? of which point wee haue so lamentable and euident experience in these dates, as no man, no not the vsurer himselfe is able to gainesay it. Yet of the two it were better for the poore man that hee should borrow vpon vsurie, then that hee should not be able to borrow at all: now borrow at al he shal not, if it be lawfull to lend to the rich for vsurie, and not vnto him. And therefore as one sayd, *Maledicta glossa quæ corrumpit textum:* Accursed be that glosse or commentarie that destroyeth the text: so may I say in this case, euill fare that interpretation which ouerthroweth the intent & purpose of the commandement.

Fourthly, and lastly, I answer to this third obiection: that it is no maruell though God in the lawes of vsurie doe specially and by name forbid lending in

The poore are named, to shewe Gods care ouer them.

that manner to the poore. For, he doth it, partly to shew what care hee himselfe hath ouer them, who are commonly and vsually neglected of men: and partly, because the poore are soonest and easiest oppressed of the rich, as the lowest hedge is easiest stepped ouer: yea, and partly also, because vsurie sitteth hardest vpon the shirtes of the poore, and will sooner bite and deuoure them, then it will the rich, able, and substantiall men in the world. And that for these causes the poore had needs of a speciall warrat, to be put in on their behalfe. Wee see that God speaketh to the same effect in other places: [b] *Iudge the fatherles and defend the widdow.* And againe, [c] *Iudge the afflicted and the poore.* And againe, [d] *Enter not into the fields of the fatherles.* And againe, [e] *Oppresse not the widdow, nor the fatherles, the straunger nor the poore:* and many such other speeches hath God, concerning those parties in the holy Scripture. Not as intending to inferre thereby that wee needed not, or wee ought not to iudge the child that hath a father, the wife that hath a husband, the rich that hath plentie: nor as if it were lawfull for vs, vniustly to seaze vpon the possessions of the mightie, or to oppresse our home borne brethren. But because the orphane, the widdowe, the poore, the straunger, are easily forgotten, seldome regarded, and soone ouerthrowne: therefore is it, that specially, and by name, they are so often, and so particularly mentioned in the word. Euen so, let vs know that God dealeth after the same manner, when he mentioneth the poore in this case of vsurie. It is no humanitie to drawe the dagger to stab a man, who is thine equall in yeares and in valure of bodie. But for a man to drawe his weapon on a childe, who hath neither wisdome, nor strength to resist: is shamefull cowardnes, yea barbarous crueltie. So, it is inhumanitie for an vsurer to gripe a man that is rich and well a-

b *Esay.* 1.17.
c *Pro.* 31.9.
d *Pro.* 23.10.
e *Zach* 7.10.

ble

Naishæc, whether onely forbidden. Etimologie, no sufficient testimonie.

ble to pay: but with that sword of his, to runne quite thorough the heart of the needie (to whome it were more almes to giue the principall:) that, that is the horrible iniquitie which God specially, and by name hath as it were καθ' ἐξοχὴν forbidden in those places of scripture, that make mention of the poore.

Obiect. 4. There is yet a fourth obiection made as touching the places of Scripture before alledged against vsurie. For, say that the lawes concerning vsurie be morall, and that they inhibite such lending both to rich and poore: yet they condemne not al measure of vsurie, but onely that which is excessiue, and byting, and which carieth with it a deuouring and oppressing of an other. And that (say some) appeareth by the expresse wordes of the text. For Moses sayth, [f] *Yet shall not oppresse him by vsurie: Ergo*, if I oppresse not my brother, if my vsurie be not so great as it bite, or deuour him: I am not for lending in that sorte condemned by the law of God. Yea, and that the scripture onely forbiddeth biting vsurie, may appeare (say they) also by the nature and Etimologie of the word, which the holy Ghost vseth to that purpose. For, vsurie is called in the hebrue tongue *Nashach*, which [g] as Lauater and [h] others haue truly obserued, signifieth properly *Morsus*, a biting or gnawing of a thing. And it is a worde borrowed as some thinke, [i] from the biting or stinging of a serpent: as others haue iudged [k] from the gnawing, or tyring of a dogge vpon a bone. So that, vnlesse vsurie bee *Nashach*, biting, vnlesse by it a man sting his neighbour, as a serpent, or pray vpon him as a dogge vpon a carrion: some holde opinion that it is not forbidden in the worde of God.

The fourth obiection in defence of vsurie: only biting vsurie is forbidden.

f Exod. 22. 25.

g *Lauat. comment. in Ezek. 18. homil. 76.*

h *Bodin. de repub. lib. 5. ca. 2.*

i *Lauater. comment. in Pro. 28. 8.*

k *D Wilson. fol. 47.*

Answ. Nowe to this obiection I might answere shortly, * Ἐτυμολογία μάρτυς ἀλέξων: The Etymologie of a worde is but a slender witnesse. But I haue further to answer

* *Gal. de Hippoc. & Platon. decretis. Lib. 2. cap. 2.*

Not onely *Nashach*, but *Tarbith* also is forbidden.

answer vnto it, moe wales then one. First, I say, that not only biting vsurie, but generally all measure of vsurie is forbidden in the worde. For the text is plaine, [l] *If thou lende money to my people, &c. non eris ei sicut vsurarius:* (Tremel. tanquam fœnerator,) *Thou shalt not be as an vsurer vnto him.* Now, what is this that he sayth, *Thou shalt not be as an vsurer vnto him?* his meaning is, thou shalt not deale with him as vsurers are wont to deale with men. Well then, if thou lend couenanting for gaine, and aduenture not the principall: whether it bite him, or bite him not, whether thou demaund of him more or lesse for increase: yet in that manner of bargaining, thou art to him as an vsurer, for thou contractest with him in that manner which an vsurer practiseth towards men, and therfore thou art therein condemned by the word of God.

l Exod 22.25.

Besides that, it is euident from the Scripture, that not onely bitting vsurie (*Nashach*) but generally all Increase of that kinde and nature (which the Hebrewes call *Tarbith*) is forbidde in the law. For Moses saith in Leuiticus [m] *thou shalt take no vsurie of him, nor vantage.* And agayne in ẏ same place, *Thou shalt not giue him thy money to vsurie, nor lend him thy victuals for increase.* And Ezekiell condemneth the people of his time, not onely for taking of vsurie (*Nashach*) but also for taking of increase, (*Tarbith.*) [n] *Thou hast taken vsurie and the increase.* And therefore, Gregorius Nissenus douhted not to say [o] *Apud diuinam Scripturam, & fœnus, & vsura sunt prohibita:* both increase (which the Latines call *fœnus*, the Grecians [illegible], the Hebricians *Tarbith*) and also vsurie (which the Latines call *vsura*, the Grecians Τόκος, the Hebricians *Nashach*) is forbidden in the holy Scriptures. S. Ambrose saith plainly, speaking of that place of Moses Leuit. 25. [p] *Generaliter hæc sententia Dei omne sortis excludit augmentum:* this sentence of God recited

m Leuit. 25. 36. 37.

n Ezek. 22. 12.

o Gregor. Nissen. epist. ad Latoium Mitelenes episcopũ bibliothec. Patrum tom. 1. col. 344.

p Ambros. lib. de Tobia. cap. 15.

Nesheæch not to be stood vpon. All vsurie biteth.

cited in that place doth generally exclude all increase aboue the principall. Yea, M. Caluin himselfe q will haue no man to rest precisely vpō that name of vsurie, which signifieth biting, and which word Moses vseth speaking of that matter Deut. 23. His reason is, because Ezekiell condemning vsurie r placeth there not onely the word *Nashach* which signifieth biting, but also the other word, which signifieth increase. As if he had sayd (saith Caluin) all that is aboue the principall. So ẏ, it is euidēt to a mā whose skil is but meane in ẏ tongues, ẏ the Etymologie of the Hebrue word can yeeld no sound argumēt for ẏ defence of any kind of vsurie: no though it be not biting nor oppresseth not the borower.

q *Cal. serm. 134 in Deut. 23.*

r *Ezek. 18. 13. Ezek. 22. 12.*

Thirdly, it may be added to answere this objection, that though it be granted and yeelded vnto them, that the Scripture condemneth onely biting vsurie: yet euē that is a sufficient argument alone, to condemne all kinde of vsurie which is practised vnder the sunne. For it is as cleare as the light of the sunne, that all vsury biteth, and carieth with it an oppressing of the borower. Bucer saith truly s *A mordendo dicitur, tacite enim hominem mordet, rodit, & conficit:* vsurie hath the name of biting: for it doth secretly bite, gnawe, and consume a man. And Paulus Fagius hath obserued that t the Chaldeans call vsurie *Hafuliah, a perdendo scilicet,* because it destroyeth, and ouerthroweth a man. Yea, so generall, and common a thing it is for vsurie to bite, that as it selfe is called of the Hebricians *nashach* a biting: so the vsurer is called *mashic, quia morsum infligit*, because hee giueth the bite u saith Aretius. And the borrower is called *Nashic, quia morsus est:* because hee is bitten and oppressed thereby. So that, whersoeuer there is one that lendeth, and another that boroweth vpon vsurie: there is a biting, a biter, and one that is bitten assembled and met together.

s *Bucer com. in Psal. 15.*

t *P. Fag. Chald. Paraphrast. annot in Exod. 22. 24.*

u *Aret. Prob. part. 1. loc. 50. de vsuris.*

Now,

Difference in biting. Vsurie biteth secretly.

x L. Humfred. in vita Iuelli. pag. 220.

Now, it is true indeede which B. Iuel sayd, x *vsura alia est acerbior, alia mitior*: some vsurie is more hard, and some is more soft. For there is great differēce in biting. As for example. There is great difference betweene the biting of a sea, and the biting of a dogge, and the biting of a Lyon: yet all are bitings, and the least will draw bloud. So, there is difference betweene him that taketh fiue, and him that taketh ten, and him that taketh twentie in the hundred: yet all is biting, and the least will confiane a man in continuance. And if any man that payeth vsurie, do perhaps not feele the biting or oppression thereof, yet that is not because hee is not bitten indeede, but because either hee is so benummed with want, that he feeleth no more then a man that is stung with an adder, when he is fast on sleepe: or it is because that y *tecto mordent* biteth closely and secretly: or lastly, it is because that, z *primò beneficium conferre videtur*: vsurie seemeth at the first to yeeld the borower a benefite. And so, he is deceiued with the sweetnesse of the tast at the first drinking, as a man that taketh downe poyson into his bowells. Lira hath a notable similitude to this purpose, which he alledgeth out of one of the Rabbines, a *sicut serpens mordens in silentio parum percipitur, vel sentitur in principio: sed postea inflatur homo, & diffunditur effectus illius morsus parui, per totum corpus: sic vsura malum non sentitur in principio, sed postea ascendit ad magnam summam, & deuorat totam hominis substantiam*. As a serpent that stingeth priuilie, is little perceiued or felt at the first, but afterwardes, the man that is stong swelleth, and the effect of that little stinging, is dispersed thorough the whole body: So the inconuenience of vsurie, is not felt in the beginning, but in time it amounteth to a great summe, and deuoureth a mans whole substance. It may be also, that the riches and abundance of him that boroweth is so great comming

y Lauater. com. in pro. 28. 8.

z Musculus cō. in Psal. 15.

a Lira com. in Exod. 22.

in

Vsurie biteth, though it be not felt,

in other wayes, that it maketh so full a supply to the payment of increase, for that which he borroweth, as by that meanes hee feeleth not the biting and griping of the vsurie which he payeth. And euen as doe sit it is in theft or cobberie, if a man steale but twelue pence out of a rich mans purse, though the want of it be little felt, by reason of his store and abundance, yet he is hindered that loseth it, and he is a theefe that taketh it: euen so is it in vsurie, though it be taken of a rich man, and in so small a measure, as that his abundance hardly suffereth the euill thereof to be perceiued, yet is hee bitten that payeth it, and hee that taketh it an oppressour.

To conclude the answere to this fourth obiection: that which alledged out of the text, [b] *ye shall not oppresse him with vsurie*, is of little momēt to the vsurers behoofe. For, whereas we read it in our English, *ye shall not oppresse him with vsurie*, Tremellius readeth it *ne imponite*, and Pagnine, *ne imponetis* impose not (or, ye shall not impose) vsurie vpon him. And the Greeke interpretour in the same manner *ἐν ἐπιθήσεις αὐτῷ τόκον*, *thou shalt not put vsurie vpon him*. So that, according to all their readings, not onely the oppressing of a man by vsurie, but also the very imposing of vsurie vpon a man, is condēned in that place of Moses. All that the vsurer, cā gaine by vrging of the Englishe translation is this. That which the Greeke and Latine interpretours doe call imposing of vsurie, that the English translatours call more plainly oppressing by vsurie. As noting, that hee which imposeth vsurie vpō his neighbour, doth thereby bite him, oppresse him, yea deuoure and consume him. Such is the deadly effect of this poysoned practise.

b *Exod.* 22.25.

The ende of the fifth Sermon preached Iunij 18. 1593.

The sixte and last Sermon: the *speciall contents whereof are these.*

1. *One other obiection is answered which commonly is made in defence of vsurie: namely that it is no where forbidden in the new testament.*
2. *The inconuenience of vsurie is shewed, how vnfit it is for a Christian to practise, though it were in any measure lawfull.*

Because that

1. *It maketh the practisers thereof subject to the curses of mame.*
2. *It is a thing of very euill report.*
3. *They can haue no resolution of conscience that they doe well that vse it.*
4. *They are but the instrumentes of euill vnto men.*
5. *The positiue lawes of men both in Church and common weales doe prohibite it: especially in this realme of England.*

The fifth obiection in defence of vsurie: it is not forbidden in the newe testament.

Obiect. 5. IT is lastly obiected, that the places before alledged against vsurie, are taken onely out of Moses, and the Prophets: and that vsurie is no where forbidden, no not so much as once named, in the writinges of the Euangelists, and Apostles, conteined in the newe testament. From whence, they

Vsurie is against the morall law, though not condemned in the new testament.

they will conclude (I trowe) either that the newe testament giueth more libertie to sinne, then the olde, which were monstrous blasphemie against the Gospel of Christ: or at the least, (to speake the best of them) that the lawes touching vsurie are not morall: and so, not to abide to vs that are christians, vnder these daies of the Gospell.

Answ. Whereunto may bee answered: first, that this is no good argument, nor consequence in reason, vsurie is not named in the newe Testament: *Ergo*, it is not forbidden in the morall lawe. For many sinnes are forbidden in the morall lawe, which are no where mentioned in the new testament. As for example, the sinnes of Polygamie, of Tyrannie, of Treason, of Ielousie, and many others, which come not to my remembrance, are manifest breaches of the morall lawe. And yet, I suppose, that no mā can shew them to be condēned, and reproued by those very names, in the new testament. Yea, I procéede further: there are infinite breaches, and trespasses against the morall law, which are not specified by name, either in the olde, or in the new testament. The lawe of God condemneth many thinges, *à pari, à maiori, à minori, &c.* by condemning the equal, or the greater, or the lesser offence. Sometimes, it includeth the particulars in the generall, and sometimes, the general in one particular: sometimes, it condemneth the cause, from the iniquitie of the effecte: sometimes, the effecte, from the iniquitie of the cause: whereas notwithstanding, the thing that is condemned, is no where recited by name, in the holy scriptures. Nazianzene sayd truely,[a] *Quadam & sunt, & dicuntur in scripturis: quædam sunt in scripturis, & non dicuntur.* Some thinges are both conteined, and named in the scriptures: some thinges are conteined in the scriptures, but are not named in them. Which saying of

[a] *Citat. ab Herbrando loc. com. cap. de trinitate.*

Vsurie is forbidden in the newe testament.

that ancient father, as it may be verified in many particulars, (for the Trinitie, the persons in the Trinitie, the vnitie of substance in the Godhead, are things contained in diede, but no where expressly named in the word of God) so is it most certainely true, in this case which we haue in hand. A thousand, and a thousand particular offences, are there against the morall lawe, which were neuer recorded, nor euer shall be founde particularly named, in the bookes, either of the olde, or of the new testament.

But to ioyne with them, in a nearer issue: dare any vsurer say, and affirme, that vsurie is not forbidden in the newe testament? surely, if it bee not, then was that great councell of Laterane far deceiued, in which some thir teene, or fourteene score Bishops were assembled, and gathered together. For they doubted not, to pronounce that vsurie was forbidden, [b] *Vtriusque tituli pagina*, that is, (as I expound it) In both the volumes of the Bible. And againe, the same Councell [c] *Vsurarum crimen, vtriusque testamenti pagina detestatur*: The volume of both the testaments, or both the olde and the new testament, doth detest, or abhorre the sinne of vsurie. Furthermore, if vsurie bee not forbidden in the new testament: then was Basile farre deceiued, who perswaded men, euen by this reason, to abstaine from vsurie, [d] *Vt tam ex veteri, quam noua lege instructus, bona cum spe, ad dominum migrare valeas*: That being instructed, or directed, as well by the olde law, as by the newe, thou maiest with good comforte goe vnto God. Then also were Ambrose, and Hierome much deceiued, who, although they both acknowledged, that vsurie was flatly, and all sufficiently condemned in the olde testament: yet Ambrose sayd, [e] *Euangelium dicit, quod est plenius*: The gospel saith that, which is more ful, or speaketh more fully in this matter. And Hierome sayd, [f] *In Euangelio, virtutis*

b *Concil. Lateran. part. 1. cap. 25. tom. 2.*
c *Concil. Lateran. part. 16. tit. de vsuris. cap. 1.*
d *Basil. in Psa. 14.*
e *Ambros. lib. de Tobia. cap. 15.*
f *Hieron. com. in Ezek. 18.*

Vsurie is forbidden in the newe testament.

tutis augmentum est. The Gospell goeth further in this case, then the lawe. For the law forbiddeth vsurie, but the Gospell commaundeth the contrarie vertue: hee meaneth frée lending, without increase. Yea, then were also the diuines of Wittenberge farre deceiued, who sayd that vsurie was forbidden, [g] *Nedum iure positiuo*. Not onely by the positiue lawes of men: *Sed etiam utroque, tum veteri, tum nouo testamento*: But also both in the olde, and new testament. Then also was B. Iuel farre deceiued, who sayd, that vsurie was [h] manifestly condemned, not onely by heathens, by christians, by the olde fathers, by the ancient Councels, by Emperours, by Bishops, by decrees, by Canons, by all sectes of all regions, and of all religions: But also, (which is the pointe, seruing to this present purpose,) *By the Gospell of Christ*: by the mouth of God. Lastly, if vsurie be not forbidden in the newe testament, then were Melancthon, Erasmus, Xystus Betuleius, Aretius, and a number of others, very learned men, farre deceiued, and ouertaken in this argument. By whose writings, and allegations of scripture, it doth manifestly appeare, that they déemed vsurie to be a thing forbidden, euen in the newe testament. But alas, alas, they are not the men, that are deluded, and deceiued: but it is the vsurer himselfe, who in this case, voluntarily deceiueth himselfe, shutting his eyes against the cleare light of the word, as a batte, or an owle, that cannot endure to beholde the beames of the sunne. For the trueth is, that vsurie is euerie where forbidden, euen in the bookes of the newe testament. The fathers disputing against the Arrians, who denied God the sonne, to be of the same substance, and essence with the Father: [i] *Mordicus propugnare, ac retinere voluerunt iuiem*. Would defend, and hold tooth and naile, the worde, or name consubstantiall. And therefore we see, that whereas the Nicene Councell conclu-

g *Theses Wittenberg. citat. ab Aret. loc. com. part. 1. loc. 50. tit. de vsuris.*

h *B. Iuel epist. before D. Wilsons vsurie.*

i *Pet. Martyr. loc com. clas. 3. loc. 4. sect. 89.*

Consubstantiall, not expressed, but inferred from the Scriptures.

k *Ruffinus eccles. hist. lib* 1. *cap.* 5.
l *Sozom. hist. Eccles. lib.* 3. *cap.* 12.

m *Bullinger confes. Eccles. ante Decad.*
n *Sozomen. lib.* 6. *cap.* 4.
o *P. Martyr. loc. com. class.* 3. *loc.* 4. *sect.* 39.

ded thus of the sonne of God. *Eundem patri, hoc est, ejusdem cum patre substantiæ*, Consubstantiall with the Father, that is of the same substance with the father: The Westerne Bishops did *Nicænis adhærere*, cleave close to that decree of the Nicene Councell, against the Bishops of the East. And the Councell of Constantinople, concluded in the same words, m *Consubstantialem patri*, Consubstantiall with the father. And lastly, the Councell of Antioch, approoved & expounded the word consubstantiall, to institute, and to cleare it, from the cauils of the Arrians. o *Quod etiam pro suo iure facere potuerunt*, sayth Peter Martyr: the fathers might lawfully, and rightly, thus sticke to, to the defence of the word consubstantiall: *Manifestè verò, cum viderent eam vocem, ex dictis literis necessariò concludi*: Especially, when they saw, that that worde, though it were not named, yet was necessarily concluded, and gathered out of the holy scriptures. Againe I note the example, and practise of the fathers, to this ende and purpose. It appeareth thereby, that they held for truethe, and for the word of God, not onely that which was named, and expressed in the scriptures: but also that, which by inference, or illation, might be concluded from the same. And therefore, although the scripture hath no where the very name, or worde consubstantiall: yet because the matter which they woulde signifie in that worde, was partly expressed, and partly, to be concluded from the scripture: therefore, they doubted not, to receiue it, as a ground of faith, grounded assuredly vpon the word of God. And so say I, concerning this case of vsurie. It is true, that the very name, and worde of vsurie, is no where found, nor mentioned in the newe testament: yet because the matter, and practise signified in that worde, is by necessary consequence, and conclusion, inferred to bee forbidden in the scriptures

vsurie is condemned in the new testament.

of the Euangelistes, and Apostles: therefore, I doubt not, but I may boldly affirme this for truth, that vsurie is condemned euen in the new Testament. Now, that it is by many, and manifest inferences, condemned in the new Testament, may easily appeare in these instances, and examples. The new Testament saith, p *whatsoeuer ye would, that men should do to you, euē so do ye to them.* Now, vsurie obseruetheth not this rule: for the vsurer imposeth that burdē vpō another, which he will not gladly beare himselfe: therfore vsurie is forbidden, in the new Testament. Againe, the new Testament saith, q *From him that will borow of thee, turne not away* therein commending vnto vs the louing, and charitable dutie, and vse of lending. Now vsurie, ouerturneth the nature, and equitie, and vse of lending: therfore vsurie is forbidden, in the new Testament. Againe, the new Testament saith, r *that no mā oppresse, or defraude his brother in any matter.* But vsurie, if it be open, and direct, it oppresseth; if it bee couert and secret, it both oppresseth and defraudeth a man: therefore, vsurie is forbidden, in the new Testament. Againe, the new Testamēt saith, s *Let him that stolle, steale no more.* Now t *vsura, furtum est: Si enim vsura, furtum non esset, nequaquam Deus prohibuisset;* vsurie is theft: for if it had not bene theft, God would neuer haue forbidden it. And S. Hierome said, u *vsuras quærere, vel fraudare, vel rapere, nihil differunt:* to take vsurie of a man, differeth nothing from cosening, & robbing of a mā. And S. Ambrose said, x *Si quis vsurā accipit rapinā facit:* if a mā take vsurie, he cōmitteth robberie. Well thē, ẏ new Testamēt forbiddeth theft: & vsurie is one branch & kinde of theft: therfore vsurie is forbidden in the new Testamēt. Last of all, the new Testamēt saith, y *Lend looking for nothing again.* Cōcerning which speech of Christ, although I acknowledge with M. Beza, that z they are deceiued which wrest this place

p *Mat.* 7. 12.

q *Mat.* 5. 42.

r 1. *Thes.* 4. 6.

s *Ephes.* 4. 28.

t *Barthol. Westhimerus in Psal.* 15.

u *Hieron. citat. ab Heming. & alijs.*

x *Ambros. lib. de bono mortis. citat. a gratiā. decret. part.* 2. *caus.* 14. *quæst.* 4.

y *Luc.* 6. 35.

z *Beza annot. in luc.* 6. 35.

to

Vsurie is forbidden in the new testament.

to thee direct prohibition of vsurie: yet I doubt not, but from that place a man may draw a very sufficient argument against vsurie, and conclude as doth M. Beza vpon that saying, [a] *Illud tamen certum est, si iuuandus est proximus, etiam nulla recipienda sortis habita ratione, multo magis prohiberi fœneratorius pactiones.* Yet this (saith he) is certaine, that if our neighbour must bee holpen by lending, euen without any regard had of receiuing the very principall againe, then much more vsurarious couenants are forbidden and condemned. So then in M. Beza his iudgement, vsurie is by inference forbidden in the new Testament. It is therefore no good argument to reason thus, vsurie is not named, or it is not forbidden in the new Testament: *ergo* the lawes concerning vsurie are not morall. For though vsurie be not named, yet is it by many inferences condemned in the new Testament: which is an argument ẏ it is a breach, and transgression euen of the morall law.

a *Ibidem.*

It were needlesse, and superfluous for any man to attempt the answering of all obiectiõs, made in the defence of this vnlawfull practise. If the Scriptures alledged before against vsurie, be cleared of those doubts, which haue bene before obiected: & it be proued that ẏ lawes concerning vsurie are morall, & that they forbid it both to friend and stranger, yea both to rich & poore: & that they condemne not onely griping, & oppressing vsurie, but all measure thereof be it neuer so small: and lastly if it appeare to bee condemned not onely in the old, but also in the new Testament: then all other cauils which carnall reason hath deuised, must fade and fall to nothing. For reason must yeeld vnto the word of God, and the necessitie of mans life vnto the authoritie of the Scripture. It was a good rule prescribed by S. Augustine, [b] *Opus est mitescere pietate:* men (saith he) must be milde, or soft, or tractable in godlinesse. Ne-

b *August. de doctrina Christiana lib. 2. cap. 7.*

que

The Scripture must be alwayes yeelded vnto.

que contradicere diuinæ Scripturæ, siue intellecta si aliqua vitia nostra percutit, siue non intellecta, quasi nos melius sapere, melius que percipere possimus. We must not contradict or gaine say the holy Scripture, neither that part of it which we vnderstand if perhaps it reproueth any of our defaults, neither yet that part which we vnderstand not, as if we were wiser and could better prescribe duties or doctrine vnto men. The Scripture in cases manifest must bee obeyed, though it gainsay our will and affections, in hidden things, it must be beleeued, though it cõtradict our opinion and iudgement: else we shall neuer attaine to the sounde knowledge thereof, nor conscionably practise that which we know, nor in the end receiue the reward of our conscionable practise.

The fourth, and last principall point. In which is declared, that vsurie is not to bee practised of a Christian man, no not though it were not simplie forbidden in the word of God.

BVt go to: say it should be graunted, that there is no expresse word of God cõdemning simply and generally these kindes of vsurie: yet doth it not therefore follow that the practise of them is cleare from all default. The Apostle saith, [c] *all thinges are lawfull for me, but all thinges are not expedient.* Noting, that some thinges may be done lawfully in respect of themselues, which cannot be done expedientlie in respect of circũstances. Now, how vnexpedient it is for any Christian man to lend vpon vsurie (though it were lawfull in it selfe) shall euidently I hope appeare by that which followeth. c 1. Cor. 10. 23.

1. First, Salomon by this reason condemneth their couetousnesse, who in time of scarsitie hoard vp the victuals, from sale to the people: [d] *He that withdraweth* d Pro. 11. 26.

The vſurer haleth the curſe of the people vpon him.

the corne, the people will curſe him, that is, (as one well expoundeth it) [e] *malè is audit paſſim, eidem malè precabuntur egenti familiæ Dei, odietur vt durus & perfidus, deo erit & hominibus odioſus.* Such a man ſhal be euery where euill ſpoken of, the poore (who are Gods familie) will banne and curſe him, he ſhall be hated as an hard harted and miſerly wretch. In a word, he ſhalbe hated both of God and man. Now, if there be any ſtrength in that argument, to diſſwade men from hardneſſe of hart, and vncharitablenеſſe towardes the poore in that caſe, namely that in ſo doing, they haue the curſe of the people vpon their heades: then certainly, this is a very ſufficient reaſon, to diſſwade men from practiſing of vſurie, euen becauſe that, he which lendeth to vſurie the people will curſe him. For indéede, euery man whether he bee rich or poore, whether he borowe or borroweth not, will curſe and banne an vſurer. He that is rich and néedeth not to borow, if he be a man of a tender hart, and hath any ſympathie of another mans miſerie, will curſe an vſurer for pinching of the poore. He that is poore, (and therefore néedeth to borow,) but cannot borow for want of ſufficient ſecuritie to put in, he curſeth the vſurer for the hardneſſe of his hart. He that hath néede to borow, and doth borow, many times curſeth the vſurer to his face, when he carieth home his borowed goods, for the griping & oppreſſion which in the end he feeleth from that practiſe. So that, whether we ſpeake of poore men, or of riche, of him that borroweth, or of him ỳ borroweth not: vſurie is alwayes (as B. Iuel ſayd of it) [f] the curſe of God and the curſe of the people. And therefore, if it be hatefull to vs, to haue euery mãs toung to curſe vs, and euery mans hart to maligne vs: then let vs abſteine from this curſed courſe of vſurie.

e *Pellican. com. in pro. 11. 26.*

f *Io. Iuel. ſerm. in 1. Theſ. 4. 6.*

2. Beſides that, we may not, nay we cãnot be ignorant how the Scripture requireth vs onely to do ſuch

things

Good report must be sought of a Christian,

things as are of good report in the world. g *Procure* (saith the Apostle) *things honest in the sight of all men*. And againe: h *whatsoeuer thinges are of good report, &c. thinke on these things*. And no marueile, though the Scripture excite vs hereunto. For, by doing things which are well reported of, a man shall grow to good report him selfe. Now, i *A good name is better then a good ointment:* yea, k *it is to bee chosen before much riches*, sayth Salomon. For indéd, it is alwayes more comfortable then the one, and many times more profitable then the other. S. Augustine sayd truly, that l such as care not what report goeth of them, and make no account of their estimation, deale not onely vnwisely for them selues, but also vncharitably towardes others. And why? *Nobis necessaria est vita nostra, aliis fama nostra:* our good life is necessarie for our selues, that it may bee rewarded: but a good name is necessarie for others: that those which are already of our profession may be thereby credited, and those in which are not, may bee drawen on to christiantie. For the good report of the professor anayleth much to ỹ spreading of his profession. Lactãtius speaking of this very case of vsurie, sayth that m A iust or an honest man, will not defile himselfe with any, such kinde of gaine, but will haue alwayes this care and respect, *vt idipsum quod commodat inter bona nomina nominetur:* that, that which hee lendeth may bee lent in such order, as that it may be well reported of, and well spoken of among the people. A benefite, which he that lendeth to vsurie can neuer attaine. For who is of so ill report, and of so little estimation, as is the vsurer for his trade: not the catch powle, not the promoter, not the executioner, no not the very scauenger. And no marueile: for the worst of them is of some vse and benefite to the common weale, but this man is the subuersion and the destruction thereof. Bromyard giueth

g *Rom.* 12, 17.
h *Phil.* 4. 8.
i *Eccles.* 7. 3.
k *Pro.* 22. 1.
l *August. de bono viduitatis cap.* 22.
m *Lactant. lib. 6. de vero cultu. cap.* 18.

an instance of a certaine preacher, who knowing that there were many vsurers among his auditorie, brake out in his Sermon into asking of the question, [n] *Si aliquis esset vsurarius*, if there were euer an vsurer there present? when euery man held his peace, and no man made answere to that question, he demaunded againe, *Si ibi aliquis esset Cloacarius*, if there were euer a scauenger there? (I giue it the cleanliest name for reuerence sake: otherwise ye know what *Cloacarius* meaneth.) One rising vp, and answering for himselfe, yea, there was one there, and he was that one: the preacher thereupon inferreth this inuectiue against vsurers. *Ecce videtis quàm vile sit officium vsuriariorum:* behold (sayth he) you may see hereby how vile a trade the trade of vsurers is. *Quia cùm alius pro arte sua vilissima respondeat, ipsi pro arte sua loqui erubescunt*: for when this man answereth for himself in defence of his most filthy trade, they blush and are ashamed to answere for theirs. Now, why would an vsurer be ashamed to professe his trade in the most publique assembly, if it were of good report and account among men: Plutarch saith [o] that the Publicane was a most infamous person, euen among the heathen: and so much also the Scriptures doe witnesse vnto vs. [p] The Pharisies noted it as a contemptible thing in our Sauiour Christ, that he did eate and drinke wᵗ Publicanes. Now, *fœneratores Publicanos agunt* (saith Plutarch:) the vsurers play the Publicanes. And so they do indeed. For ỳ Publicanes were [q] *vectigaliũ redemptores*, such as gathered tols or customes, or tributes, or taskes, or subsidies of the people. And the vsurers will haue their custome penny, a man must pay their taske or he cānot escape their hāds, he must pay deepe tribut that is subiect to their dominion. And as for their cōditiōs, the Publicanes were such as [r] *rapacitate prouinciales exugerēt*: by their rauenousnes & gripplenes, did sucke vp,

n *Io. Bromyard summa praedicant. tit. Vsura.*

o *Plutarch. lib. de vsu fœnerando.*

p *Mat. 9. 11.*

q *Caluin. harmoni. in mat. 5. 46.*

r *Beza annot. in mat. 9. 10.*

Vsurers obiect that their discredite is caused by Preachers.

vp, & soake dry the poore people of the Prouinces vnder their iurisdictiõ. Wherein they were a liuely patterne of ỹ grædinesse & couetousnesse of the vsurer: whereby he casteth into an irrecouerable consumption, all those which for their disease seeke phisicke at his hãds. Wel then, the Publicane was an infamous person; and the vsurer playeth the Publicane: and therefore no maruaile though he be of bad report among men.

But it is obiected in this behalfe, that the base account which is made of vsury among vs in these dayes, ariseth from the iniquitie of the time: and is of some imputed to the rashnesse and want of discretion, in the Ministers of the word, who with salt termes and ignominious spæches, haue brought the vsurers, and their doinges into so great disgrace. To which it may be truly answered, that this is but a sely deuise of the vsurers themselues. For, it is euident that in other countreys, and in former times, vsurie hath been alwayes accounted a very base and ignominious trade. Those which trauaile dayly from vs into the lowe countryes, do affirme, that no man dare there be sene (for shame) to enter into the Lumbardes house, for so they call the vsurer in that countrey. Yea, that it is not so much discredite to be sene going in, or comming out of the common stewes, as it is to be founde houering about the doore of the vsurer: which argueth that in those places it is reputed a very opprobrious thing. Petrarch saith that there is not [s] *fœdius studium*, a more filthie profession then vsurie, and that of former time, vsurers were seperated as leapers from the societie of men. Yea, B Iuel went further and reached to a longer day: for hee sayth, [t] *hæc, semper turpis fuit*, this was alwayes counted a filthy trade. And Chrysostome saith, [u] *extremæ impudẽtiæ signum, fœnus semper iudicatum est*: vsurie was alwayes iudged a tokẽ of extreme impudẽcie.

[s] *Petrarch. de remedio vtriusque fortunæ. lib. 1. Dialog. 56*

[t] *L. Humfred. in vita Iuelli. pag. 227.*

[u] *Chrysost. hom 57. in Mat. 17.*

Vſurie hath beene alwaies of euill report.

That is, (more plainely) hee was allwaies accounted a notable impudent man, and one paſt all ſhame, that durſt without bluſhing, take vp the practiſe of vſurie. Among many thinges which be alleadged to that purpoſe: that is famous which is recorded in one of the Centuries. The place is long, but it is ſo worthie a preſident of this matter, and ſo cleare a loking glaſſe, for an vſurer to diſcerne his face withall: as that I thought it no ſmall offence, either to paſſe it ouer in ſilence, or to contract it into a ſhorter rowme. The words are theſe: [x] *Antiquitus in tota ciuitate vix vnus fœnerator inueniebatur, & ille quidem occultus, nec fœnerabatur niſi pauperibus: nec tamen niſi clam, data fide quòd non publicaretur. De quo ſi fortè praua oriretur ſuſpicio, dicebatur domus illius domus diaboli, vinea, puteus, ager diaboli: & deinceps oſculum pacis non dabatur ei in miſſa: ignis à vicinis in domo eius non ſumebatur, ſed nec aliquis cum eo aliquod participium habebat. Pueri ad eius occurſum paueſcebant, & alterutrum cum digito monſtrabant. Adeò enim deteſtabile tunc temporis fuit vitium vſuræ.* The wordes in engliſh are thus much in effect. In old time ſcarſe one vſurer was to be found or heard of in a whole citie, and he dealt but very ſecretly, and cloſely neither, and hee lent to vſurie to none but to the poore, and hee would not lend to them neither, but priuilie, and binding them by a faithfull promiſe that they ſhould not diſcloſe him. And if happilie there aroſe anie euill ſuſpition of him that way in the citie, then his houſe was commonly called the diuels houſe, the vineyarde, the well head, the fielde of the diuell. The paxe was not offered to him to kiſſe in the time of the celebratiõ of the maſſe: the neighbours would not fetch fire from his houſe: no not any man would haue anie fellowſhip with him. The children were afraide to meete him in the ſtrẽtes, as if they met a bugge or a monſter: and one would point

[x] *Centur. 12. cap. 4. c. P. Cantor.*

at

vsurie hath beene basely esteemed, of states men.

at him with the finger to an other. So detestable in those dayes was the sinne of vsurie. Thus wee see, that it is not the sole opinion of this time, but of all times, not of this countrie onely, but of other countries also, so basely and ignominiously to account of vsurie.

And if any man will yet further reply, that this vile account which is made of vsurie, is but the priuate conceipte of some particular persons: let him knowe that mightie princes, and whole estates, haue decréed and concluded of vsurie, that it should be accounted and reputed to all purposes for a very infamous action. Luther sayth, [y] *Vetuit Cæsar ne vsurarius haberetur & iudicaretur vir bonus & honestus.* Cæsar forbad that an vsurer should bee accounted or adiudged in lawe (or in common estimation) for a good and an honest man. And D. Wilson sayth, [z] that in lawe, they are defamed persons, and that the lawe defames them. So that, [a] put the case my brother make an vsurer his heire, I may break the testament, and by excluding of him bee admitted my selfe, by complaint of a testament made against office or good right: because he is thereby constituted the heire whome the lawe hath disabled to inherite, as an infamous person. And surely no maruaile though vsurers be of so bad and euill report, and haue béene euer reputed as men of extreme infamie. For first, their course of life is baser then any, [b] *Vita fœneratoria omnium specierum vitæ χρηματιστικὴ abiectissima, & odiosissima.* The vsurers life is more base, and hatefull then any kind of life or trade which is imployed about goods or money. Secondly, their conditions are commonly as bad as any. M. Caluine sayth, [c] *Adeò plus quàm rarum est eundem esse hominem probum & fœneratorem:* It is more then rare (or it is very seldome séene) that one and the same person, should be both an honest man, and an vsurer. Now, their trade being so base, and their conditions so euill: no mar-

y Luther. de taxanda vsura tom. 7.

z D. Wilson. fol. 136.

a L. improbum. & ibi Bald. C. de infamibus.

b Zuinger. Tab in Aristot. de repub. lib. 1. cap. 11.

c Caluin. epist. respons. de vsuris.

No full perswasion, in the practising of vsurie.

maruaile though shame follow them at the héeles, as the shadow doth the body by nature. For, *Ignominia comes turpitudinis*: Shame is the companion of beastlines. But to conclude at length the point now in hand: sith the word of God inioyneth vs to doo things of good report, and vsurie is a thing which all times, all countries, all sortes of people haue helde in extreme contempt: though it should bee granted, that no expresse worde of God doth absolutely condemne it, yet we sée how vnbeséeming, and vnexpedient a thing it is, to be practised of a christian.

3. But to procéede. The Apostle sayth writing to the Romanes, that [d] *Whatsoeuer is not of faith is sinne*. And the name of faith I take with M. Caluine in that place, [e] *Pro constanti animæ persuasione & firma certitudine*. For a constant persuasion and certaine assurance of the hart. As if Paul had sayd: whatsoeuer a man doth, not being resolutely perswaded in his conscience, ruled by the worde of God, that therein he doth well and pleaseth God: this is reckoned and imputed for sinne vnto him. Now, I can but wonder in my heart, what kind of πληροφορία, what ful perswasion and resolution of conscience, the vsurer can gather to himselfe, that hee doth well, and pleaseth God in the practising of vsurie. Considering that, first, there is no example of any godly man to be found either in holy scriptures, or humane writers, that euer tooke vp that kinde of profession. No, B. Iuel whose writings do argue him to bee a man that had red excéeding much, sayth confidently and boldly, [f] *Such a kind of bargaining no good man or godly euer vsed*. Secondly, considering that most learned men of all ages, and places, haue condemned it. Yea, hée went farre that sayd, (and yet was he wise enough to consider what hee sayd,) [g] God, nature, reason, all scripture, all lawe, all authors, all Doctors, yea all Councels beside,

d *Rom.* 14. 23.

e *Caluin. com. in Rom.* 14. 23.

f *Io Iuel. serm. in* 1. *Thes.* 4. 6.

g *D. Wilson fol.* 192.

Defendors of vsurie speake warily. *Quod dubitas ne feceris.*

beside, are vtterly against vsurie. Thirdly, considering that those which are supposed to speake most for vsury, as Caluine, Bucer, Bullinger, and some others, when they intreate of this argument, they touch it tenderly, as if a man did handle a soare, and they vse many preambles before they come to it, to preuent the euill aduantage which bad men would happily gather from their wordes, and they approue it not, but with many and those very strict limitations: and lastly, M. Caluine will haue no man to holde his opinion and iudgement for a decrée and generall rule in that case. Now, when a man hath no example to goe before him, when hee hath the opinions of so many against him, when hée shall sée that those which iustifie it, speake very sparingly, and they that admit it do it very warily, and the best of them will not haue men to rest vpon their opinion: I wonder whence it is that our vsurers are so resolute without doubting to approue it, and without all feare to practise it. Antoninus sayd well, and it is a maxime in lawe, h *In dubijs tutior via est eligenda:* In doubtfull cases we must take the safer way. This case of vsurie, though in it selfe I hold it out of doubt, yet by reason of some new writers, is among many growen into question: therefore wisdome would, that men should aduise themselues to saile the surest course. And which is that? Alciate doth by his carde plainly point it out vnto vs: i *Cùm dubium est, an aliquid peccatum sit vel non: credendum est esse peccatum, quia id tutius.* When it is a doubt or a question, whether a thing bee sinne or no: it is to bee beleeued and holde that it is a sinne: because that is the safest opinion. Therefore if any man doubt (as I sée not but the most resolute vsurer may doubt) whether vsurie be a sinne or no: let him beléeue and holde that it is a sinne, till hee clearely see the contrarie, and so abstaine from it as from an vn-

h *Antoninus. summa part. 1. tit. 20. de regulis iuris.*

i *Andreas Alciat. respons. lib. 1. Concil. 3. cap. 24.*

Vsurers are a meanes of Gods curse vpon men.

lawfull and vngodly thing. So shall hee bee sure to take the safest way. For, neither in the doing of the thing, nor in the wauering of the mind, shall he offend against the maiestie of God.

4. I will not stand long to shewe, that this is one of the euils which Dauid wisheth to light vpō his enemie: namely, that he and his goods might fall into the vsurers handes. [k] *Let the extortioner catch all that hee hath, and let the strangers spoyle his labour.* Now, it is to be noted, that the worde which we in our english read extortioner, the Greeke interpreter translateth δανιστὴς and Tremellius, Pagnine, yea and the olde translation also readeth, *Fœnerator*, an vsurer: *Let the vsurer catch all that he hath.* And Musculus commenting vpon that place of the Psalme, obserueth from thence two notable thinges worthie of our consideration. The first, [l] *Maledictionis genus esse si quis incidat in illorum laqueos:* It is a kind of curse to fall into the vsurers bandes. The second, *Esse illos non benedictionis, sed maledictionis ministros:* The vsurers are the ministers not of blessing, but of cursing vnto men. Now, if the borrower did well consider of the one, namely that it is a curse to grow in debt to an vsurer: & if the lender did lay to hart the other, namely that hee is but an instrument or hande to hale Gods curse vpon a man: I suppose that neither borrowing, nor lending vpon vsurie, would seeme so smal a matter, nor proue so common a thing, as it doth with most men at this day in the world.

k *Psal.* 109. 11.

l *Musculus. com. in Psal.* 109. 11.

5. But I come to ý which I suppose to be very material, and which should binde vs that are Englishmē especially, from the lending vpon vsurie: yea though it were not directly nor generally cōdemned in the worde of God. It is to be considered (and wise men I doubt not do obserue it) that those men of learning, which speake most for vsurie, do referre the approuing or disprouing,

Allowance of vsurie said to depend on the Magistrate.

prouing, the enlarging or restrayning thereof vnto the authoritie of the ciuill Magistrate. That if the gouernor, or magistrate allow it to be vsed, then it is allowable: if he abolish it, thē it is to be abolished. M. Caluin prescribeth this rule among others to be obserued in vsurie, [m] *ne excedatur certus modus, constitutus in quauis regione:* that the vsurer exceede not in taking the certaine rate ordeined in euery countrey. Whereby it appeareth that he referred the moderation of vsurie vnto the Magistrate and gouernour. [n] Bucer commendeth Iustinians law for the moderating of vsurie, & approueth the equitie of the Romaine lawes in that behalfe. From whence it may be gathered, that he also reposed the disposing of vsurie, in the discretion of the Magistrate. Bullinger saith, [o] *sancti magistratus erit, coercere vsurarios æquis legibus, cōstituereque pro temporū & locorū, personarum & rerū qualitate, quod æquum, iustum, & sanctum fuerit:* It is the dutie of a godly Magistrate, to restraine the vsurers by equall lawes, and to ordeine in this case that which is iust, and equall, and holy, as the times, and places, and persons, and matters shall require. Therefore in his opinion if the Magistrate see it good to allow it, he may: if he see it not good, he neede not allow it at all. For, so farre hee may allow, or not allow it, as he shall see by circumstances that it is expedient. Lauater saith, [p] *particulare iudicium de contractuum formis, æqualitate & iustitia, peti debet ex bonis & æquis legibus:* the particular iudgement of the formes, equalitie, & iustice of contractes, must bee sought and fetched from good, and equall lawes. Therefore by his iudgement, the lawes (and so consequently the Magistrate, who is the mouth of the law) must determine either of the lawfulnesse, or the vnlawfulnesse of this case of vsurie. But Zuinglius hath a notable place to this purpose, so notable, that though it bee long, yet I will not

m *Caluin. epist. respons. de Vsuris.*

n *Bucer. com. in Psal. 15.*

o *Bullinger. dec. 3. serm. 1.*

p *Lauater. homil. 76. in Ezek 18.*

Allowance of vsurie dependeth on the Magistrate.

q Zuinglius. lib. de duplici iustitia. tom.

feare tediousnesse in the repeating thereof. q *De vsura & fœnore sic sentio:* as touching vsurie and increase thus I thinke, or this is my iudgemēt. *Quandò magistratuum leges fœnus exercere permittunt, iam illud soluere debent, quicunque pecuniam ijs conditionibus receperunt:* when the lawes of the magistrate doe permit the exercising of vsurie, they ought to paye the vsurie which haue taken money vpon such conditions. But he addeth a little after, *Si magistratus ea integritate est, vt fœnus non ferat, nec fœneratoribus ius dicat, nullo iure fœnus deberi affirmo.* If the magistrate be of that integritie, that hee will not permit vsurie, nor giue sentence for the vsurer, or heare the cause of the vsurer: then I affirme, that the increase is due to bee payd by no law. Then we sée his opinion is, that where the Magistrate permitteth vsurie, there the borower is bound to pay the increase: but where the magistrate permitteth it not, there it is by no law due vnto the lender. And consequently we sée, that it was his iudgement, that the permission, or not permission of vsurie (as touching the people) depēdeth vpon the Magistrate. All these testimonies. I repeate to shew, that it is the opinion euē of those that séeme most to fauour vsurie, that the approuing, tolerating, reiecting, and moderating therof, dependeth vpon the positiue lawes of countreys, & the ciuill authoritie of the Magistrate. Which if it doe, then we that are inhabitants of this Realme, and members of the Church of England: haue not left vnto vs so much as a figge leafe to couer our nakednesse, I meane wee haue not the least colour, or pretence in the world, to defend the practising of vsurie in our countrey. For it is to be knowne and acknowledged, to the glory of God, and to the honour of our Church, and to the euerlasting renowne of Queene Elizabeth and her gouernement, that all the authoritie, and all the lawes which are now in force, both in

the

Vsurie is forbidden by the Common Lawe:

the Church and common weale, haue forbidden and do forbid vsury, throughout the whole realme of England. For the manifestation whereof, wee are to consider that the strength and state of our countrey, dependeth partly vpon the common law, partly vpon the statute law, partly vpon the ciuill law, and partly vpon the canon law. Now, all these so farre as they are at this day in force, do condemne and inhibite vsurie.

And first for the common law. I finde that Glanuill sometimes Lord chiefe Iustice of England in the dayes of Henrie the second, deliuereth this for the law of the land, namely [r] that all the goods of an vsurer, whither hee dye making a will, or not making a will, are proper to the king. Agreeable to this is that, which Mathæus Parisiensis reporteth in his writinges. His wordes are these. [f] *Quicquid laici in vita sua donauerint, vel quocunque titulo à se alienauerint, et si vsurarij fuisse dicuntur, post mortem non reuocabitur:* whatsoeuer lay men haue giuen away in their life time, or by what title soeuer they haue alienated any thing from themselues: although they were sayd to be vsurers while they liued, yet after their death it shall not be reuoked. *Quæ verò post mortem non alienata fuerint, si cognitum fuerit ipsos tẽpore mortis fuisse vsurarios, confiscabuntur.* But the things which were not alienated after their death, if it bee knowne that at the time of their death they were vsurers: they shalbe confiscated or forfeyted to the crowne. So then by the ancient common law of this land, vsurie is prohibited, vpon the penaltie of the losse of all the goods of the vsurer.

[r] *D. Wilson. fol.* 196. *Glanuil. lib.* 7. *cap.* 16.

[f] *Mathæus Paris. in Vita Richardi* 1.

Proceede we from thence vnto the statute law: and we shall see that from time to time, diuerse kinges of this Realme, haue by their Actes and Statutes condemned vsurie. In the dayes of Edward the third [t] the conisance of the vsurers deceased, was alotted to the kyng:

[t] *Anno.* 15 *cap.* 5.

Henry the 8. tolerated some vsurie. Edward the 6. forbad all vsurie.

The coniſance of vſurers aliue, to the ordinaries of holy Church. In the dayes of Henrie the ſeuenth, by one ſtatute: u All vſurarious bargaines were made voyde, and of none effect: and by another, x vſurers were puniſhed with the forfeiture of the moytie, put forth to vſurie. In the dayes of Henrie the eight, y thoſe that toke aboue ten in the hundred, were puniſhed with the forfeiture of the treble value of the goodes put forth to vſurie. z The which acte (ſayth the Parliament aſſembled in the raigne of Edward the ſixt,) was not ment nor intended, for the maintenance and allowance of vſurie, &c. As by the title and preamble of the ſame acte, it doth plainly appeare. For indeede, howſoeuer king Henries ſtatute doth tolerate for neceſſities ſake, the lending for vſurie in ſome rate and meaſure: yet the preamble thereof doth manifeſtly and flatly call it, an vnlawfull thing. But whatſoeuer king Henrie intended, it is cleare that king Edward the ſixt by his ſtatute, condemned indeede all kindes and all meaſure of vſurie: and affirmed directly, that a vſurie is by the word of God vtterly prohibited, as a vice moſt odious and deteſtable. Laſtly, came Queene Eliſabeth b *nobiliſſimum inſtrumentum*, that moſt noble inſtrument of God, as M. Beza rightly calleth her. She indeede repealed king Edwardes ſtatute, c becauſe (as her Acte alledgeth,) It had not done ſo much good as was hoped for: but rather the ſayd vice of vſurie, and ſpecially by way of ſale of wares and ſhifts of intereſt, had much more exceedingly abounded. The vſurer being therein like vnto the water, which the more it is pent, the more it ſwelleth: and like a theefe, who when he is locked in at the priſon dore, breaketh out at the windowe. Euen ſo, the vſurers being by king Edwards ſtatute abſolutely reſtrayned, from all meaſure of vſurie: they fell to ſhiftes, ſubtelties, and deuices, yea and that with the more

u *Anno.3.cap.5*

x *Anno.11.c.8.*

p *Anno.37.c.9.*

z *Anno 5.& 6 Eduardi. 6. cap.20.*

a *Ibidem.*

b *Beza.epiſt. ad Angliæ reginam. ante nouum teſtamentum.*

c *Anno.13.c.8.*

Q. Eliſabeths ſtatute approueth no vſurie.

more greedineſſe, by how much it was the more generally forbidden. For

Nitimur in vetitum ſemper cupimuſque negata:

The more we are reſtrained from ought, the more we run therto.

In conſideration whereof, ſhe reuoked and annihilated K Edwards ſtatute: but did ſhe therefore approue or iuſtifie vſurie? no: one ſayd well, that [d] Thoſe that ſay that the lawes in England do allow of vſurie, and licenſe men to commit it freely: doe ſlaunder the lawes, and are worthie of reprehenſion. For, that Queene Eliſabeths ſtatute doth not allowe nor approue vſurie, may appeare euidently by theſe reaſons. Firſt, it is intituled An Act, (not for or in defence, but) againſt vſury. Secondly, it calleth vſurie a vice, or ſinne: the vice of vſurie. Thirdly, it ſaith, that all vſurie is forbidden by the lawe of God, and is ſinne and deteſtable. Fourthly, wheras commonly penal lawes are adminiſtred with as fauourable expoſition as conueniently they can be, for the benefit of the ſubiect offending: in this ſtatute, there is a ſpeciall prouiſo that it ſhall bee moſt largely and ſtrongly conſtrued to the ſuppreſſing of vſurie. And laſtly, it is ſo farre from approuing any, as that it puniſheth vſurie euen to the loweſt degree and meaſure. For, whereas whoſoeuer lendeth to vſurie, muſt of neceſſitie lend either for tenne, or aboue tenne, or vnder tenne in the hundred: it puniſheth him that lendeth for aboue tenne, with a treble forfeiture of the principall: and him that lendeth for tenne, or vnder tenne, with the forfeiture of the vſurie and increaſe. So that, neither the taking of tenne, nor more then tenne, nor leſſe then tenne, no not the taking of one penie in the hundred is approued by that ſtatute.

d *Phil Stubs. The Anatomie of abuſes fo. 175*

But ſir (will ſome man ſay) but Queene Eliſabeths ſtatute, exempteth from the penaltie thereof, all vſurie taken for the releife of orphanes in the citie of London,

and

Ciuill lawes tolerate some things for necessitie.

and such other places. I answer: the lawe generally condemneth vsurie in it selfe and in the owne nature: but it is compelled to tolerate it in that particular case, for very necessities sake. M. Beza hath a notable saying, fully fitting this purpose. e *Leges ciuiles si bene sunt constitutæ, nihil quidem præcipiunt quod Deus prohibuerit, & nihil prohibet quod Deus præceperit:* The ciuill lawes of princes, if they bee rightly ordained, doe commaund nothing which God forbiddeth, neither doe they forbid any thing which God commaundeth. *Sed improbitate hominum, coguntur multa duntaxat moderari, quæ penitus tollere non possunt:* But by reason of the wickednes of men, they are compelled onely to moderate manie thinges, which they cannot altogether take away. *Et hæc sunt quæ permitti legibus dicuntur:* And these are the things which are sayd to be permitted, or tolerated by lawe. An instance of this bee giueth in this very case of vsurie: which many magistrates are compelled to permit, because they see it cannot bee vtterly abolished. And this is it, which is to be sayd in defence of Queene Elizabeths statute, concerning that clause. Iniquitie hath nowe gotten the vpper hand so much, and mens heartes are growen so hard, and so colde in the duties of charitie: as that the gouernours of this age, haue béene compelled to tolerate that one point, for the releefe of poore children and orphanes, which otherwise they feared for want of due prouision would fall to vtter decay. God beareth many thinges at our handes by reason of our obstinacie, and we must beare manie thinges amongst men for their want of charitie. For otherwise, wee knowe what the Church of England teacheth: namely, that f *We must not doe euill that good may come thereof.* And if the g Councell of Laterane rightly resolued, that as a man must not lie to saue an other mans life, so he must not lend to vsurie to redéeme

e *Beza annot. in Math. 19.8.*

f *Rom. 3.8.*

g *Concil. Lateran sub. Alexand. 3 part. 16 tit de vsuris. cap. 1.*

a

Orphanes may be prouided for, without vsurie.

a Christian out of the hand of the Turke: then may we easily gather what is to bee iudged of money lent to vsurie for the maintenance of orphanes. And thirdly, it is euident ỹ if people were as they might, and as they should be, there were other meanes by which orphanes might be prouided for. As h *Contractus redemptionis, contractus societatis:* The laying to morgage, the bargaining by societie: and such other contracts allowed by lawe, and iustifiable by the worde of God. We see that in the dayes of K. Edward, men being more mercifull, and more carefull ouer the poore, then now they are among vs: the orphanes were well and sufficiently prouided for, euen when vsurie was altogether and vtterly prohibited. But it is not for vs to dispute what might be done if men would, (for nothing is hard to willing mindes:) but wee are to consider what can now be done, as the times serue, and as men are affected: which was the onely reason no doubt, why they that condemned vsurie in generall, were compelled to exempt that one particular from penaltie. So then by the common and statute lawe of this lande, vsurie is condemned.

h *Chemnit. loc. com. tom. 2 tit. de paupertate. cap. 6.*

Come we now vnto the ciuill lawe, and we shal find that therein also vsurie is prohibited. For the vnderstanding whereof, we are to remember, that the bodie of the ciuill law, is deuided as it were into three parts. The first conteineth the lawes made before the Romane estate became a monarchie: and with them, those lawes which were made after it arose to a monarchie, from the time of Iulius Cæsar, vnto the raigne of Constantine the great. And these are called *Pandectæ*, the lawes or volumes of the pandects. The second parte conteineth those lawes which were made from the time of Constantine, vnto the raigne of Iustinian the Emperor: comprehending also some of Iustinians lawes.

The ciuill lawe condemneth vsurie.

any those be called the Code, or the lawes of the Code. The third containeth the latter lawes made by Iustinian: and they be commonly called *Nouellæ constitutiones*, or *Autentica*, The lawes of the Autentiques. Now, it must be confessed, that by the Pandects, and the Code, vsurie is not simplie forbidden, but tolerated and permitted vnto a certaine rate. But by the Autentiques, which are the latter lawes, (and so doe abrogate the former) it is euident and manifest that vsurie is altogether prohibited. For, Iustinian among other decrees of his, enacted this for a lawe: [k] *Sancimus vt sancti ecclesiastici canones, qui à sanctis quatuor conciliis, (hoc est, Niceno decum trecentorum & octo, Constantinopolitano centum quinquaginta doctorum patrum, Ephesino primo, in quo Nestorius condemnatus est, & Calcedonensi, in qua Eutiches cum Nestorio anathemate percussus est,) expositi & confirmati sunt, vicem legum obtineant.* We decree (saith the Emperour) that the holy ecclesiasticall canons, which were published and confirmed, by the foure holy councells, (that is, by the councell of Nice, consisting of three hundred and eighteene, by the councell of Constantinople, consisting of a hundred and fiftie learned fathers, by the first councell of Ephesus, in which Nestorius was condemned, and by the councell of Calcedon, in which Eutiches and Nestorius were both accursed,) shall haue the place, or the power, or the authoritie of lawes. By this constitution of Iustinian, all the decrees of the Councel at Nice, are (among the rest) established and ratified for Autenticall lawes. Now, the councel of Nice concluded directly, & expresly against vsurie, in this forme of words. [l] *Quoniam multi Clericiauaritia causa turpia lucra sectantes, obliti diuini præcepti quo dictum est, (qui pecuniam suam non dedit ad vsuram,) fœnerantes, centesimas exigunt: statuit hoc sanctum concilium, vt si quis inuentus fuerit post hanc definitionem vsuras accipere, vel ex quolibet*

i *L eos §. 1. C. de vsuris.*

k *Constitut. 131. de ecclesiasticis canonibus, & priuilegijs, &c. Vel de ecclesiasticis titulis.*

l *Concil. Nicen. cap. 18.*

The ciuill lawe condemneth vsurie.

quolibet tali negotio turpia lucra sectari, vel etiam species frumentorum ad septuplum dare: omnis qui tale aliquid conatus fuerit ad quæstum, deijciatur à Clero, & alienus habeatur ab ecclesiastico gradu. Because manie Cleargie men following of couetousnes filthie lucre, forgetting the commaundement of God which saith,* *He that hath not giuen his money to vsurie:* exact after ten in the hundred: this holy councell enacteth, that if any man shall bee founde to take vsurie after this decree made, or by any such practise to followe filthie lucre, or to put forth anie kind of graine to increase: hee that attempteth any such thing for gaine, shall be cast out of the cleargie, and reckoned as none of any ecclesiasticall degree. Thus did the councell of Nice conclude against vsurie: and Iustinian ratified this with the other canons of that councell for a lawe: therefore by that lawe vsurie is condemned. * *Psal.* 15.5.

Now if any man reply (as happily some will) that the Councell forbiddeth vsurie onely in Ecclesiasticall persons, and so will inferre, that notwithstanding that canon, it is lawfull in the common people: he must knowe that howsoeuer Church men, or Cleargie men, (as we call them) are onely named and specified in that decree: yet because the reason which induced them to enact that Canon is drawen from the worde of God, (for they alledge the words of the Psalmist to that purpose:) and the worde of God is a rule and squire, not onely to the Cleargie, but also to the layetie, that is, both to men of the Church, & to men of the Common weale: therefore the receiued iudgement of the lawe and lawyers is, that vsurie is by it forbidden in all estates, degrées, and callinges of men. So then vsurie is prohibited by the ciuill lawe.

And is the Canon law any whit more beneficiall to this trade? Nay: that aboue all the rest damneth it (as

Canon lawe condemneth vsurie both in Clegie and Laitie.

we say) euen to the pit of hell. For, the Canons of the Church forbid it vpon great penaltie both in the Clergie, and in the Laye people: for so you must giue me leaue to speake now after the manner of Lawyers. In the Clergie. The Canons ascribed to the Apostles say, m *Episcopus aut Presbyter, aut Diaconus, qui vsuras à mutuum accipientibus exigit, vel desineto, vel deponitor:* The Bishop, or Priest, or Deacon which exacteth vsurie of the borower, let him either surcease to do it, or let him bee deposed from his office. The Councell of Arles sayd, n *depositus à clero, à communione alienus habeatur:* let him that taketh vsurie, be deposed from the Clergy, and be secluded from the communion. The Coūcell of Carthage sayd, o *Abiicitur à clero, & alienus à Canone sit:* let him bee cast out of the Clergie, and secluded from the Canon. A number of other testimonies might be alledged, some of which I will be contented onely to quote for breuities sake. *Concil. Turonic. 1. cap. 13. Concil. Laodicen. cap. 5 Concil. Colonien. part. 2. cap. 31.* All which, with many others, doe strongly inhibite vsurie in the Clergie. And as for the Laytie (by which name they vnderstand all those that are not entered into the holy orders of the Church) against them the constitutiõs and Canons of the law, are yet more seuere. For the law p excommunicateth them, q debarreth them of the communion, r disanulleth their testaments, s denyeth vnto them Christian burial, t permitteth not a Minister to visite them in time of sickneſſe, nor any man to bee present at the making of their wils, u nor any publique Notarie to draw their wils. x So the law sayth, no man ought to take care what become of an vsurer, though bee begge his bread, or dye for hunger: because his life is as hatefull as it is abhominable. But among many other thinges, I may not forget that our late English Canons agreed vpon by the

m *Canon. Apostol. cap. 43.*

n *Concil. Arelat. secundum. cap. 14.*

o *Concil. Carthag. 6 cap. 17.*

p *Concil Elebert. cap. 20.*
q *Concil. Lateran part. 1. cap. 25.*
r *Concil. Lugdunens. tom. 3.*
s *Statut Synod. Hildesheimens. cap 46*
t *D Wilson. fol 138.*
u *Ibidem fol. 139.*
x *Ibidem.*

the Conuocation house for this prouince of Canterbury, y do couple vsurie with the most grieuous sinnes of heresie, schisme, periurie, incest, and Adulterie. And do ordeine that the sentence of excommunication, shall not bee denounced against an vsurer, but by the Archbishop, or Bishop, or Archdeacon, or by a Prebendarie at the least, in his owne proper person. Whereby it appeareth, that the authoritie of the Church of England, would not onely proceede against vsurie according to the penaltie of the ancient Canons: but would also set such a brande, and a marke vpon the face therof, as it might bee noted, and reputed, for a right grieuous and hainous offence. Thus then we see, that both the common and statute law of this land on the one side, and the Ciuill, and Canon law on the other side: that is to say, all the authoritie and power both of the common wealth and Church of England, haue forbidden and condemned vsurie. That we may truly say in this respect as he sayd in Plautus: z

y *Canones editi Londin. Anno.* 1584. *cap.* 4.

Conclusio

z *Plautus. Mostellar. Act.* 3.

Nullum adipol genus hodie est hominum tetrius,
Nec minus bono cum iure quàm Danistarum.

There is not a worser kinde of men liuing, nor any that dealeth with lesse iustice, or equitie, or conscience, or approbation of law, then doth the vsurer. Now, we haue heard it declared before, that those which speake most for vsurie, haue notwithstanding submitteth the approuing, the reiecting, the tolerating, the moderating of vsurie, vnto the statutes of seuerall countryes, and the authoritie or determination of the Magistrate. And therefore if the vsurers will stand to their iudgements, to whom they are wont to appeale as to their speciall patrons: then certainly, forasmuch as they liue here in a Church and Kingdome, in which vsurie is so generally by all kindes of gouernement prohibited and condemned: they may not be any practisers there-

of, no not though it were not simply forbidden by the worde of God.

I Come now at length to the shutting vp and conclusion of this whole treatise. Seeing we haue learned, not onely what vsurie is, and what are the kindes and branches thereof: but also that it is forbidden in the worde, vpon very great and sufficient reasons, and that it is in so many respects, an vnfit thing to be practised of a christian man: I exhort all those who haue hitherto kept themselues vnspotted of this euill, that so they abide and continue still. And I say to them with our Sauiour Christ in the Reuelation: a *He that is righteous, let him be righteous still: and hee that is holy, let him be holy still.* Partake not the vsurers sinne, lest yee be also partakers of his punishment. Those that haue beene ouertaken with this euill, not seeing (it may be) the iniquitie thereof, I exhort as the Apostle doth the Ephesians, b *Let him that stole steale no more:* Let him that hath lent to vsurie, lend to vsurie no more. c *Loose the bands of wickednes, take off the heauie burdens:* that is, (as Hierome expoundeth it) d discharge the poore men of their bandes, at the least wise of their interest, in which and so which they stand bound vnto you. Ease them of that burden, wherewith they are so laden, as a number are dayly puld vpon their knees, yea laid along, yea swallowed vp of pouertie. Leaue off that trade, surcease that course: the way to goodnes is neuer entered too late. Cyprian sayd well, e *Nec in vltimis Dei clementia pœnitentes excludit:* The mercie of God excludeth not them that repent at the last houre. f *Nec serum est quod verum, nec irremissibile quod voluntarium:* The repentance is neuer too late that is done in truth, neither is that repentance without pardon which is willingly done. But if any man bee so farre gone in this

a *Apoc.* 22. 11.
b *Ephes.* 4. 28.
c *Esay.* 58. 6.
d *Hieron. com. in Esa.* 58.
e *Cyprian. ser. de passione Christi.*
f *Cyprian. ser. de Cœna Domini.*

disease,

Denouncing of euill to the obstinate vsurer.

disease, that he is past recouerie, and his heart is so far hardened, as it cannot be pearced with the worde: to him I say as it is in the Reuelation, g *He that is vniust, let him be vniust still: and he which is filthie, let him be filthie still.* Continue in thine euill, delight in thine euill, bleſſe thy ſelfe in thine euill. But withall, take ẏ which followeth in the ſame place, as a ſtinge in the taile: h *And beholde I come ſhortly, and my reward is with me, to giue euery man according as his workes ſhall bee.* It is not long, before the Lord Ieſus will come againſt thee in iudgement, either particularly at the day of thy death, or generally in the end of the world. And then, that God who hath promiſed that, i *Hee which giueth not his money to vſurie ſhall dwell in his tabernacle, and reſt in his holy mountaine:* He will take thée that doeſt the contrary, and caſt thee into a cleane contrary place, euen into vtter darkenes, where ſhall be weeping and gnaſhing of teeth.

g *Apoc.* 22 11.

h *Apoc.* 22. 12.

i *Pſal.* 15. 5.

And becauſe the nature of worldly men is ſuch, that the loſſe of their goodes will rende their hearts in peices, when the feare of the loſſe of heauen will not once ſtirre their affections: therefore let mee end my ſpeech to them, with that ſentence of Salomon, where with I began this treatiſe: k *He that increaſeth his riches by vſurie and intereſt, gathereth them for him that will be merciſull to the poore.* If God be true and this be the word of God, let them feare, that as God tooke the goods l of couetous Laban, and gaue them to holy Iacob: ſo he will take the riches which they haue vnlawfully gathered, from them, and from their houſe, and from their children: and will beſtow them vpon others, who ſhall ſhew themſelues better imployers, and diſpoſers of his bleſſinges. And leaſt this ſentence of Salomon ſhould ſeeme to be a friuolous ſurmiſe, and want his due effect, let mee make relation of ſome examples,

k *Pro.* 28. 8.

l *Gen.* 31. 9.

Examples of vsurers whose children fell into pouertie.

amples, which Hemingius a godly and learned man, hath obserued and recorded from his owne experience. [m] He saith, that when he was a child there were only two vsurers knowne, & of note in the whole kingdome and countrie where he dwelt. One was a man but of meane place, and dwelt *in Chersoneso Cimbrica*: so hee nameth the place, and I cannot otherwise expresse it, because I know not the countrie. This man grew exceeding rich by lēding vpō vsurie, & died (as it seemeth) leauing abundance of wealth. And yet after his death, the children that he left behinde him fell into extreame pouertie. In so much that a daughter of his was found to haue not so much as a whole coate on her backe to couer her nakednes, and was many times seene, *Obire sordidissimum ministerium*, To doe most base or vile seruice to get her liuing: and yet could not thereby kēp herselfe from beggery. The other vsurer, he saith, was borne of a better house, and had much wealth left him of his auncestors. But, following this trade, & growing very rich thereby: it came to passe that afterwards part of his goodes were confiscated to the crowne, and the rest serued to the maintenance of luxurie, & prodigalitie. To these I might adde some examples of our owne. And if we were wise to obserue the procēdings of God among vs, it were no harde thing to point out beggarly children that haue discended from vsurarious parentes. But those are more safely commended to your secret meditations, then publiquely detected to the world. This onely let mee admonish you of, that as you tender the continuance of that wealth which you loue so well, and as you desire to reserue it to the benefite of your posteritie: so haue a speciall care not to *increase it by vsurie and interest*, least God translate it from you to another family, and make you to *gather it for him, that will be mercifull vnto the poore.*

[m] *Hemingius in Lac. 5.*

Last

Magistrates, and Church-gouernours are exhorted to suppresse vsurie.

Last of all, sith the sworde is committed to the Magistrate that the euil may feare, & sith he is the minister of God for the suppressing of sinne: let me exhort him, that hee bend the point and edge of his authoritie, towards the throate of this vniust and vncharitable practise. Wee knowe that by the statute, n Iustices of Oyer and Terminer, and Iustices of assises in their circuites, Iustices of peace in their Sessions, Mayors, Sheriffes, and Bayliffes of Cities, haue full power and authoritie to inquire, heare, and to determine of the mayne breaches of this lawe, touching the offence of vsurie. Let it neuer be reported in the generations to come, that vsurie hath in our time gone away vncontroled by authoritie, or that Magistrates herein haue borne the sworde in vaine, or that the countrie hath not been in this case benefited by their gouernment. And the ecclesiastical gouernours I exhorte, that sith the same statute hath giuen them libertie also to punish and to censure the extremitie of this euill: they would bend themselues and their strength, to suppresse this vnchristian, this heathenish, this Iewish kinde of practise. It was the complaint of the commons in Fraunce, o that the Officials were too strict, and too busie, and too gripple in inquiring after vsurie: and that for couetousnes of his goods they would conuent euery man for an vsurer, and drawe him within the compasse of that default. But certainely, it may be the complainte of the commons of England, that many Officials are to lose and remisse in pursuing of this offence. A man is presented, no man is ascited, no man is conuicted, no man is punished euer since I could remember, by the ecclesiasticall lawe for the committing of vsurie. And yet the poore people euery where complaine of a number of men, that by one meanes or other take aboue the rate of tenne, yea of twentie in the hundred: the punish-

n *Statut. Anno 13. Eliſab. ca. 8*

o *Bertrand. contra Petrum de Coniers in Bibliothec. Patrum tom. 3. colum. 889.*

Ministers must be wise in reprouing of vsurie.

ment of which excesse, the statute hath flatly permitted vnto the ecclesiasticall gouernours. And certainely the dayly growth and increase of this euill seemeth for to argue, that both Diuines, and Lawyers, both preachers in the church, and gouernors of the church haue beene too sparing, the one in reprouing, the other in punishing and suppressing this enormitie. Luther sayd, p *Illi qui in scholis profitentur, diligenter hac iuuentuti inculcare debebant:* They which are publique professors in schooles, should beate vpon these points diligently, to the youth that are their auditors. *Et illi qui in foro causas agunt litigatores, diligenter & seriò hac de re debebant monere & edocere.* And they that handle causes in the courts, should diligently and earnestly admonish and instruct the people of this matter. Yea, hee would haue schoolemasters to teach their schollers while they are children, to detest and abhorre the very name of vsurie. But now, while men are neither taught to leaue this sinne, nor punished for the committing of this sinne: each man takes libertie to doe herein that which is right in his owne eyes, yea which is gainefull to his owne purse. As if there were no king in Israell, that is, as if there were no gouernement, neither in the Church, nor common weale of England. But thanked bee God there is gouernement in both: and that gouernement which I hope will bee hereafter more vigilant in this case. To conclude: my fellow ministers I exhort, that they lift vp their voices as trumpets, and tell the people of this sinne. q *Non tamen sine spirituali prudentia:* Yet not without spirituall wisdome: which may direct vs, when, and where, and to whom, and in what manner to speake of this argument. But let vs take héede that wisdome quench not our zeale, and while wee will become too discrete, we forget how forward we should bée in reprouing of euill.

p *Luthe. de taxanda. vsura. tom. 7.*

q *Heming. in Iac. 5.*

euill. If we be instant in admonition this way to the people, and then seeke vnto God for a blessing vpon our labours: it may be that our owne eyes may see in our time the languishing and decaying of this offence, to the glory of God, and the benefite of his Church. To which God be honour, and to which Church be peace both now and euer.
Amen.

The ende of the sixt Sermon preached Iulij. 2. 1593.

Barnard. serm. 61. in Cant.

Meritum meum Miseratio Domini.

M. M.